

Landscape Act

(Act No. 110 of June 18, 2004)

INDEX

- Chapter I General Provisions (Articles 1 to 7)
- Chapter II Landscape Plans and Measures Based on Them
 - Section 1 Formulation, etc. of Landscape Plans (Articles 8 to 15)
 - Section 2 Regulation of Acts, etc. (Articles 16 to 18)
 - Section 3 Structures, etc. of Landscape Importance
 - Subsection 1 Designation, etc. of Structures of Landscape Importance (Articles 19 to 27)
 - Subsection 2 Designation, etc. of Trees of Landscape Importance (Articles 28 to 35)
 - Subsection 3 Management Agreements (Articles 36 to 42)
 - Subsection 4 Miscellaneous Provisions (Articles 43 to 46)
 - Section 4 Development, etc. of Public Facilities of Landscape Importance (Articles 47 to 54)
 - Section 5 Landscape-Oriented Agricultural Promotion Area Development Plans, etc. (Articles 55 to 59)
 - Section 6 Special Provisions on the Natural Parks Act (Article 60)
- Chapter III Landscape Districts, etc.
 - Section 1 Landscape Districts
 - Subsection 1 City Plans for Landscape Districts (Article 61)
 - Subsection 2 Restrictions on Design Features of Buildings (Articles 62 to 71)
 - Subsection 3 Restrictions on Structures, etc. (Article 72 and 73)
 - Section 2 Quasi-Landscape Districts (Article 74 and 75)
 - Section 3 Restrictions on Design Features of Buildings, etc., in Areas Covered by District Plans, etc. (Article 76)
 - Section 4 Miscellaneous Provisions (Articles 77 to 80)
- Chapter IV Landscape Agreements (Articles 81 to 91)
- Chapter V Landscape Development Organizations (Articles 92 to 96)
- Chapter VI Miscellaneous Provisions (Articles 97 to 100)
- Chapter VII Penal Provisions (Articles 101 to 108)
- Supplementary Provisions

Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to build a beautiful and dignified national land, to create an attractive and comfortable living environment, and to bring into being unique and vibrant communities, by formulating landscape plans and taking other comprehensive measures to facilitate the formation of good landscapes in Japan's urban and rural districts, thereby improving the lives of the citizenry and contributing to the growth of the national economy and to the sound development of the community.

(Basic Philosophy)

Article 2 (1) In view of the fact that good landscapes are essential for the formation of a beautiful, dignified national land and the creation of an attractive and comfortable living environment, every effort must be made to maintain and preserve good landscapes so that the present and future citizens can enjoy the benefits of landscapes as the common property of the people of Japan.

(2) In view of the fact that good landscapes are formed by harmony between the nature, history, and culture of an area and people's lifestyles and economic and other activities, every effort must be made to maintain and preserve good landscapes by promoting land uses that help achieve such harmony under proper restraint.

(3) In view of the fact that good landscapes are closely related to the specific characteristics of an area, every effort must be made to form diverse landscapes so that the uniqueness and distinctiveness 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 must be made by local governments, local businesses, and local residents to enhance regional vitality.

(5) Efforts to form good landscapes must be made with the aim not only of preserving existing good landscapes, but also of creating good landscapes.

(Responsibilities of the National Government)

Article 3 (1) The national government is responsible for formulating and implementing comprehensive measures to form good landscapes in accordance with the basic philosophy prescribed in the preceding 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 measures such as enlightening the people and disseminating knowledge about the formation of good landscapes.

(Responsibilities of Local Governments)

Article 4 Local governments are responsible for the formulation and implementation of measures that are suitable for the various natural and social conditions of the area concerned, in order to promote the formation of good landscapes in accordance with the Basic Philosophy, taking into consideration the respective duties of the national and local governments.

(Responsibilities of Local Businesses)

Article 5 Local businesses shall endeavor to form good landscapes in accordance with the Basic Philosophy in their land use and other business activities, and to cooperate with the national and local governments in connection with the measures for developing good landscapes taken by the national and local governments.

(Responsibilities of Local Residents)

Article 6 Local residents shall endeavor not only to gain a deeper understanding of the formation of good landscapes and take an active part in developing good landscapes in accordance with the Basic Philosophy, but also to cooperate with the national and local governments in connection with the measures for developing good landscapes taken by the national and local governments.

(Definitions)

Article 7 (1) The term "Landscape Administration Body" as used in this Act means the relevant designated city, for the areas of a designated city as under Article 252-19, paragraph (1), of the Local Autonomy Act (Act No. 67 of 1947) (hereinafter in this paragraph referred to as a "Designated City"); the relevant core city, for the areas of a core city as under Article 252-22, paragraph (1) of the Act (hereinafter in this paragraph and Article 98, paragraph (1), referred to as a "Core City"); or the relevant prefecture, for other areas; however, this term means the relevant municipality, for the areas of a municipality other than an Designated City or Core City, which handles any of the duties prescribed in Section 1 to Section 4 of Chapter II, Chapter IV, and Chapter V of this Act pursuant to the provisions of Article 98, paragraph (1), (referred to as "Landscape Administration Duties" in the Article).

(2) The term "Building" as used in this Act means a building as prescribed in Article 2, item (i) of the Building Standards Act (Act No. 201 of 1950).

(3) The term "Outdoor Advertisement" as used in this Act means an outdoor advertisement as prescribed 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 means a road, river, park, plaza, coast, port or harbor, fishing port, or other public-use facility specified by

Cabinet Order.

- (5) The term "National Park" as used in this Act means a national park as prescribed in Article 2, item (ii) of the Natural Parks Act (Act No. 161 of 1957), and the term "Quasi-National Park" means a quasi-national park as prescribed in Article 2, item (iii) of the Act.
- (6) The term "City Planning Area" as used in this Act means a city planning area as prescribed in Article 4, paragraph (2), of the City Planning Act (Act No. 100 of 1968), and the term "Quasi-City-Planning Area" means a quasi-city-planning area as prescribed in the same paragraph of the Act.

Chapter II Landscape Plan and Measures Based on Them

Section 1 Formulation, etc. of Landscape Plans

(Landscape Plans)

- Article 8 (1) A Landscape Administration Body may formulate a plan for the formation of a good landscape (hereinafter referred to as a "Landscape Plan") for an area of land (including water surface; the same shall apply in the rest of this paragraph, Article 11, and Article 14, paragraph (2)) that falls under any of the categories listed below in an urban city, rural town, or other populated area or settlement, and in any area that integrally forms a landscape together with these:
- (i) an area of land where it is found that an existing good landscape needs to be preserved;
 - (ii) an area of land where, based on the nature, history, culture, etc., of the region, it is found that a landscape that suits the characteristics of the region needs to be formed;
 - (iii) an area of land that is a center of interregional exchange, where it is found that a landscape that contributes to promoting such exchange needs to be formed;
 - (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, where 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 formed, judging from the trends of local land use, etc..
- (2) A Landscape Plan must specify the following:
- (i) the area covered by the Landscape Plan (hereinafter referred to as the "Landscape Planning Area");
 - (ii) matters related to restrictions on actions so as to favor the formation of good landscapes;
 - (iii) a policy for designating structures of landscape importance under Article

- 19, paragraph (1), and trees of landscape importance under Article 28, paragraph (1) (only if structures or trees eligible for such designations are located in the relevant Landscape Planning Area);
- (iv) any of the following that is necessary for the formation of a good landscape:
- (a) matters related to restrictions of actions in connection with the display of Outdoor Advertisements or the installation of objects for the display of Outdoor Advertisements;
 - (b) matters related to the development of a road under the Road Act (Act No. 180 of 1952), river under the River Act (Act No. 167 of 1964), urban park under the Urban Parks Act (Act No. 79 of 1956), Tsunami Defense Facility under the Act on Regional Development for Tsunami Disaster Prevention (Act No. 123 of 2011), coast in a coastal conservation area, etc. (meaning a coastal conservation area, etc. as defined in Article 2, paragraph (3) of the Coast Act (Act No. 101 of 1956); the same shall apply hereinafter), port under the Port and Harbor Act (Act No. 218 of 1950), fishing port under the Act on the Development of Fishing Ports and Grounds (Act No. 137 of 1950), facility related to a park project under the Natural Parks Act (limited to a project implemented by the national government or a public body prescribed in Article 10, paragraph (2) of the Act), or any other Public Facility specified by Cabinet Order (hereinafter referred to as a "Specified Public Facility") that is important for the formation 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 which are necessary for the formation of a good landscape:
 - 1. criteria for the permission referred to in Article 32, paragraph (1) or (3) of the Road Act;
 - 2. criteria for the permission referred to in Article 24, Article 25, Article 26, paragraph (1), or Article 27, paragraph (1) of the River Act (including the cases where these provisions are applied mutatis mutandis under Article 100, paragraph (1), of the Act);
 - 3. criteria for the permission referred to in Article 5, paragraph (1) of the Urban Parks Act or Article 6, paragraph (1) or (3) of the Act;
 - 4. criteria for the permission referred to in Article 22, paragraph (1), or Article 23, paragraph (1) of the Act on Regional Development of Tsunami Disaster Prevention;
 - 5. criteria for the permission referred to in Article 7, paragraph (1), Article 8, paragraph (1), Article 37-4, or Article 37-5 of the Coast Act;
 - 6. criteria for the permission referred to in Article 37, paragraph (1) of the Port and Harbor Act; or
 - 7. criteria for the permission referred to in Article 39, paragraph (1) of the Act on the Development of Fishing Ports and Grounds.

- (d) basic matters related to the formulation of a landscape-oriented agricultural promotion area development plan under Article 55, paragraph (1); or
 - (e) criteria for the permission under Article 20, paragraph (3), Article 21, paragraph (3), or Article 22, paragraph (3) of the Natural Parks Act (limited to the permission for the actions specified by Cabinet Order) which are necessary for the formation of a good landscape (limited to when the relevant Landscape Planning Area includes an area in a National or Quasi-National Park).
- (3) In addition to what is listed in each item of the preceding paragraph, a Landscape Administration Body shall endeavor to formulate policies concerning the formation of a good landscape in the relevant Landscape Planning Area.
- (4) Among the matters related to restrictions on actions which are referred to in paragraph (2), item (ii), the following must be specified in accordance with the criteria prescribed by Cabinet Order:
- (i) if it is necessary for Ordinance under Article 16, paragraph (1), item (iv) to specify an action that requires the notification referred to in the same paragraph, the action which is required to be specified in the Ordinance;
 - (ii) any of the following restrictions that are necessary as criteria for regulations or measures under the provisions of Article 16, paragraph (3) or (6) or Article 17, paragraph (1):
 - (a) restrictions on the shape, color, or other design feature (hereinafter referred to as "Design Feature") of a Building or structure (meaning a structure other than a Building; the same shall apply hereinafter);
 - (b) the maximum or minimum height limit of a Building or structure;
 - (c) restrictions on a wall location or the minimum site area of a Building; or
 - (d) any other restrictions for the formation of a good landscape in connection with each of the actions requiring the notification referred to in Article 16, paragraph (1).
- (5) A Landscape Plan must be consistent with all plans formulated pursuant to Acts on national land plans or regional plans, including but not limited to the National Spatial Plan, National Central Region Development Plan, Kinki Region Development Plan, Chubu Region Development Plan, Hokkaido Comprehensive Development Plan, Okinawa Promotion Plan, as well as with all national plans for facilities such as roads, rivers, railways, ports, and airports.
- (6) A Landscape Plan must be consistent with the Basic Environment Plan (including the pollution prevention plan for the relevant Landscape Planning Area if such a plan has been formulated) prescribed in Article 15, paragraph (1) of the Environment Basic Act (Act No. 91 of 1993).

- (7) A Landscape Plan formulated for a City Planning Area must comply with the policy for the improvement, development, and preservation of the City Planning Area as prescribed in Article 6-2, paragraph (1) of the City Planning Act.
- (8) A Landscape Plan formulated by a municipality acting as a Landscape Administration Body must conform to the municipality's basic scheme for construction established by resolution of the assembly thereof, and a Landscape Plan formulated for a City Planning Area or a Quasi-City Planning Area must conform to the basic policy under the city plan of the municipality as referred to in Article 18-2, paragraph (1) of the City Planning Act.
- (9) The matters listed in paragraph (2), item (iv), (b) and (c) which are specified in a Landscape Plan must conform to the policies or plans for the development or management of public facilities prescribed by Cabinet Order, for the relevant type of public facilities of landscape importance.
- (10) In a Landscape Plan that specifies the matters listed in paragraph (2), item (iv), (d), the matters listed in item (i) and item (iv), (d) of the paragraph, and the matters prescribed in paragraph (3) must conform to the basic policy for the development of the agricultural promotion area prescribed in Article 4, paragraph (1), of the Act on the Development of Agricultural Promotion Areas (Act No. 58 of 1969), and a Landscape Plan formulated by a municipality acting as a Landscape Administration Body must conform to the agricultural promotion area development plan (an agricultural promotion area development plan formulated pursuant to the provision of Article 8, paragraph (1), of the Act; the same shall apply hereinafter).
- (11) The matters listed in paragraph (2), item (iv), (e) which are specified in a Landscape Plan must conform to the park plan as prescribed in Article 2, item (v), of the Natural Parks Act.

(Formulation Process)

- Article 9 (1) Before seeking to formulate a Landscape Plan, a Landscape Administration Body shall take measures necessary for reflecting the opinions of local residents, such as holding a public hearing.
- (2) Before seeking to formulate a Landscape Plan, a Landscape Administration Body shall hear the opinions of the relevant prefectural city planning council (or the relevant municipal city planning council, if any) with respect to any part of the plan related to the relevant City Planning Area or Quasi-City Planning Area.
 - (3) Before seeking to formulate a Landscape Plan, a prefecture acting as a Landscape Administration Body shall hear the opinions of the municipality in question.
 - (4) Before seeking to specify any of the matters listed in paragraph (2), item (iv),

(b) and (c), of the preceding Article in a Landscape Plan, a Landscape Administration Body shall consult with the manager (excluding a Landscape Administration Body) of the relevant Public Facility of Landscape Importance pursuant to the provisions of Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism, the Ministry of Agriculture, Forestry and Fisheries, or the Ministry of the Environment, and must obtain the manager's consent therefor.

- (5) Before seeking to specify any of the matters listed in paragraph (2), item (v), (e), of the preceding Article in a Landscape Plan, the Landscape Administration Body shall consult with the manager of the relevant National Park or Quasi-National Park (meaning the Minister of the Environment for a National Park, or the prefectural governor for a Quasi-National Park; the same shall apply hereinafter) with respect to the matters, and must obtain the manager's consent therefor.
- (6) When a Landscape Administration Body has formulated a Landscape Plan, the Landscape Administration Body shall give public notice to that effect and make the plan available for public inspection at its office pursuant to the provisions of Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism, the Ministry of Agriculture, Forestry and Fisheries, or the Ministry of the Environment.
- (7) The provisions of each of the preceding paragraphs do not preclude the Landscape Administration Body from stipulating, by Ordinance, any necessary provisions on the matters involved in the Landscape Plan formulation process (limited to those not violating the provisions of each of the preceding paragraphs).
- (8) The provisions of the preceding paragraphs shall apply mutatis mutandis to any change in a Landscape Plan.

(Request by the Manager of a Specified Public Facility)

Article 10 (1) The manager of a Specified Public Facility may request a Landscape Administration Body that is formulating or seeking to formulate a Landscape Plan, to specify the matters listed in Article 8, paragraph (2), item (iv), (b) or (c) for a Specified Public Facility under the manager's management and within the Landscape Planning Area under the Landscape Administration Body's Landscape Plan (or an area that will become a Landscape Planning Area under the Landscape Plan that the Landscape Administration Body seeks to formulate), with such Specified Public Facility as a Public Facility of Landscape Importance in the Landscape Plan. In this case, an indicative draft of the part of the Landscape Plan related to the request must accompany the request.

(2) The manager of a Public Facility of Landscape Importance specified in a

Landscape Plan may request the relevant Landscape Administration Body to add or modify a matter listed in Article 8, paragraph (2), item (iv), (b) or (c) in the Landscape Plan. In this case, the provisions of the second sentence of the preceding paragraph shall apply *mutatis mutandis*.

- (3) If the Landscape Administration Body has received a request referred to in either of the preceding two paragraphs, it must respect this.

(Proposal by Local Residents, etc.)

Article 11 (1) A person who holds a right of ownership in land or a perfected right of superficies or land lease right for the purpose of possession of a building (excluding any right that has clearly been established for temporary use, such as a right to the use of temporary facilities; hereinafter referred as a "Land Lease Right") (hereinafter in this Article such person is referred to as a "Landowner"), in an area of land as prescribed in Article 8, paragraph (1), which comprises a group of lands of at least the size specified by Cabinet Order, which, as a unit, are suitable for the integrated formation of a good landscape, may singly or jointly with others propose the formulation or modification of a Landscape Plan to the relevant Landscape Administration Body. In this case, an indicative draft of the Landscape Plan in connection with the proposal must accompany the proposal.

- (2) A specified nonprofit Organization as defined in Article 2, paragraph (2) of the Act to Promote Specified Non-profit Activities (Act No. 7 of 1998), general incorporated association, or general incorporated foundation established for the purpose of carrying out activities to promote community buildings, or an organization set forth as equivalent to the foregoing by Ordinance of a Landscape Administration Body may propose the formulation or modification of a Landscape Plan to the Landscape Administration Body for the land areas referred to in the preceding paragraph. In this case, the provisions of the second sentence of the preceding paragraph shall apply *mutatis mutandis*.

- (3) A proposal under the preceding two paragraphs (hereinafter referred to as a "Planning Proposal") must be made as prescribed by Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism, the Ministry of Agriculture, Forestry and Fisheries, or the Ministry of the Environment if the consent of two-thirds or more (limited to when the total parcel areas (excluding any land owned by the national government or a local government that is used for a Public Facility; the same shall apply hereinafter in this paragraph) owned by the consenting persons and the total parcel areas over which the consenting persons hold Land Lease Rights add up to two-thirds or more of the total of parcel areas owned by the Landowners and parcel areas subject to Land Lease Rights within the areas concerned) of the Landowners in the areas of land covered by the draft of the Landscape Plan has been obtained.

(Judgment of Landscape Administration Bodies on Planning Proposals, etc.)

Article 12 When a Planning Proposal has been made to a Landscape Administration Body, the Landscape Administration Body shall without delay judge whether or not the Landscape Plan needs to be formulated or modified in light of the Planning Proposal and, if the Landscape Administration Body finds it necessary to formulate or modify a Landscape Plan as proposed, the Landscape Administration Body shall draw a draft for such plan or modification.

(Submission of a Draft Plan based on a Planning Proposal to the Prefectural City Planning Council, etc.)

Article 13 When a Landscape Administration Body seeks to formulate or modify a Landscape Plan in light of a Planning Proposal pursuant to the provisions of the preceding Article, if the formulation or modification of the Landscape Plan would bring into being a part of the indicative draft of the Landscape Plan based on the Planning Proposal, the Landscape Administration Body shall submit the indicative draft of the Landscape Plan based on the Planning Proposal to the Prefectural City Planning Council or Municipal City Planning Council whose opinion on the draft Landscape Plan is sought pursuant to Article 9, paragraph (2).

(Measures to Be Taken If a Landscape Plan Is Not Formulated, etc. Based on a Planning Proposal)

Article 14 (1) If a Landscape Administration Body has judged pursuant to the provisions of Article 12 that it is unnecessary to formulate or modify a Landscape Plan based on a Planning Proposal, the Landscape Administration Body shall without delay notify the person who made the Planning Proposal of the judgment and the reason therefor.

(2) Before seeking to file the notification referred to in the preceding paragraph concerning any land in a City Planning Area or Quasi-City Planning Area, a Landscape Administration Body shall submit the draft of the Landscape Plan based on the relevant Planning Proposal to the Prefectural City Planning Council (or the Municipal City Planning Council, if any, in the municipality acting as the Landscape Administration Body) and hear the opinions of the Council.

(Landscape Council)

Article 15 (1) A Landscape Administration Body, the manager of a Public Facility of Landscape Importance specified in a Landscape Plan, and a Landscape Development Organization designated pursuant to the provisions of

Article 92, paragraph (1) (including the relevant municipality if the Landscape Administration Body is a prefecture or the manager of a National Park, etc., if any area of National Park or Quasi-National Park is included in the relevant Landscape Planning Area; hereinafter in this paragraph referred to as "Landscape Administration Body, etc.") may jointly form a landscape committee (hereinafter in this Article referred to as the "Committee") in order to hold consultations necessary for the formation of a good landscape in a Landscape Planning Area. In this case, if the Landscape Administration Body, etc. finds it necessary, it may include relevant administrative organs or tourism-related organizations, organizations related to commerce and industry, organizations related to agriculture, forestry and fishery, business operators providing public utilities such as electricity, telecommunications, and railway services, local residents, and any other person or persons who are engaged in activities to promote the development of a good landscape, as Committee members.

- (2) If the Committee finds it necessary, it may seek cooperation including, but not limited to, statements of opinions and explanations from any relevant administrative organ or business operator other than a Committee member.
- (3) A Committee member must respect the outcome of any consultation on the matters agreed upon at a Committee meeting that is held for the purpose of consultation prescribed in the first sentence of paragraph (1).
- (4) All matters necessary for the operation of the Committee other than those prescribed in the preceding three paragraphs are determined by the Committee.

Section 2: Regulation, etc. of Actions

(Notification and Recommendation, etc.)

Article 16 (1) Before seeking to engage in any of the following actions in a Landscape Planning Area, the person seeking to do so shall, pursuant to Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism (or to Ordinance of the Landscape Administration Body, for an action set forth in item (iv); the same shall apply hereinafter in this Article), notify the head of the relevant Landscape Administration Body of the type, place, design, construction method, and scheduled date of the commencement of the action, as well as other matters specified by Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism:

- (i) the construction, extension, reconstruction, or relocation of a Building, the repair, or remodeling that alters the appearance of a Building, or a color change (hereinafter referred to as "Building, etc.");
- (ii) the construction, extension, reconstruction, or relocation of a structure, the repair or remodeling that alters the appearance of a structure, or a color

- change (hereinafter referred to as "Construction, etc.");
- (iii) a development activity prescribed in Article 4, paragraph (12) of the City Planning Act or any other action specified by Cabinet Order;
 - (iv) an action other than what is listed in the preceding three items, which is specified by Ordinance of the Landscape Administration Body in accordance with the Landscape Plan, as an action that may adversely affect the formation of a good landscape.
- (2) Before seeking to modify a matter specified by Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism for which the notification provided for in the preceding paragraph has been filed, the person who has filed such notification shall file a notification to that effect with the head of the relevant Landscape Administration Body.
- (3) If a notification under the preceding two paragraphs has been filed and the head of the relevant Landscape Administration Body finds that the action under the notification does not comply with a restriction on the action which has been specified in the Landscape Plan, the head of the Landscape Administration Body may recommend the person who filed such notification to take necessary measures including but not limited to design changes in connection with the action.
- (4) A recommendation under the preceding paragraph must be made within thirty days after the date that the notification under the provisions of paragraph (1) or (2) was filed.
5. Notwithstanding the provisions of the preceding paragraphs, a notification prescribed in paragraph (1) is not required to be filed for an action in which a national agency or a local government engages. In this case, before seeking to engage in an action that requires the notification referred to in the paragraph, the relevant national agency or the relevant local government shall inform the head of the relevant Landscape Administration Body to that effect. 5.
- Notwithstanding the provisions of the preceding paragraphs, a notification prescribed in paragraph (1) is not required to be filed for an action in which a national agency or a local government engages. In this case, before seeking to engage in an action that requires the notification referred to in the paragraph, the relevant national agency or the relevant local government shall inform the head of the relevant Landscape Administration Body to that effect.
- (6) If the head of a Landscape Administration Body, upon being informed as prescribed in the second sentence of the preceding paragraph, recognizes the necessity for the formation of a good landscape, the head of the Landscape Administration Body may seek a consultation with the relevant national agency or the relevant local government concerned to the extent necessary for the discussion of measures to be taken in order to make the planned action comply with the restrictions specified in the Landscape Plan.

- (7) The provisions of the preceding paragraphs shall not apply to the following actions:
- (i) routine management activity, a minor action, or any other action specified by Cabinet Order;
 - (ii) an action that is taken as a necessary emergency measure in the event of an extraordinary disaster;
 - (iii) an action engaged in for a structure of landscape importance after the permission under Article 22, paragraph (1) has been obtained;
 - (iv) an action engaged in for the development of a Public Facility of Landscape Importance, with respect to which the matters set forth in Article 8, paragraph (2), item (iv), (b) have been specified in a Landscape Plan;
 - (v) an action for a Public Facility of Landscape Importance, which is engaged in after permission prescribed in Article 8, paragraph (2), item (iv), (c), 1 through 7 (limited to permission whose criteria are specified in a Landscape Plan) has been obtained;
 - (vi) a development action prescribed in Article 15-2, paragraph (1) of the Act on the Development of Agricultural Promotion Areas, which is carried out in an agricultural land area (meaning an agricultural land area as prescribed in Article 8, paragraph (2), item (i) of the Act) within an area referred to in Article 55, paragraph (2), item (i), after the permission prescribed in the same paragraph has been obtained;
 - (vii) an action engaged in within the area of a National Park or Quasi-National Park after the permission prescribed in Article 8, paragraph (2), item (iv), (e) (limited to permission whose criteria are specified in a Landscape Plan) has been obtained;
 - (viii) the Building, etc. of a Building in a landscape district as prescribed in Article 61, paragraph (1) (referred to as a "Landscape District" in the following item);
 - (ix) the Construction, etc. of a structure in a Landscape District, if all restrictions on the Construction, etc. of structures specified in the Landscape Plan, have been specified by Ordinance for Restrictions on Structures in Landscape Districts referred to in Article 72, paragraph (2);
 - (x) the modification of the shape or character of land zoning; the construction, reconstruction, or extension of a Building; or any other action specified by Cabinet Order and carried out within the area of a district plan, etc. (meaning a district plan, etc., as prescribed in Article 4, paragraph (9), of the City Planning Act; the same shall apply hereinafter) (such area is limited to one that is specified in a district development plan (meaning a district development plan as prescribed in Article 12-5, paragraph (2), item (i) of the Act; the same shall apply in Article 76, paragraph (1)); a district development plan for specified buildings (meaning a district development

plan for specified buildings as prescribed in Article 32, paragraph (2), item (i) of the Act to Facilitate the Development of Disaster Prevention Zones in Populated Urban Areas (Act No. 49 of 1997); the same shall apply in Article 76, paragraph (1)); the district development plan for disaster prevention zone development (meaning the district development plan for disaster prevention zone development as prescribed in Article 32, paragraph (2), item (ii) of the same Act; the same shall apply in Article 76, paragraph (1)); a district development plan for the maintenance and enhancement of historic scenery (meaning a district development plan for the maintenance and enhancement of historic scenery as prescribed in Article 31, paragraph (2), item (i) of the Act on the Maintenance and Improvement of Historic Scenery in a Region (Act No. 40 of 2008; the same shall apply in Article 76, paragraph (1)); a roadside district development plan (meaning a roadside district development plan as prescribed in Article 9, paragraph (2), item (i) of the Act on the Improvement of Areas along Trunk Roads (Act No. 34 of 1980); the same shall apply in Article 76, paragraph (1)); or a rural district development plan (meaning a rural district development plan as prescribed in Article 5, paragraph (3) of the Rural District Development Act (Act No. 63 of 1987); the same shall apply in Article 76, paragraph (1)).

(xi) any other action that is specified by Cabinet Order or Ordinance of a Landscape Administration Body.

(Modification Orders, etc.)

Article 17 (1) If the head of a Landscape Administration Body finds it to be necessary for the formation of a good landscape, the head of the Landscape Administration Body may order a person who seeks to engage in or who has engaged in a specified action subject to notification (meaning an action requiring the notification referred to in paragraph (1), item (i) or (ii) of the preceding Article, which is specified by Ordinance of the relevant Landscape Administration Body; the same shall apply in paragraph (7) of this Article and paragraph (1) of the following Article) that does not comply with a restriction on the Design Features of a Building or structure which has been prescribed in a Landscape Plan, to take necessary measures including but not limited to modifying the design for the relevant action, to the extent necessary in order to make the action comply with the restrictions. In this case, the provisions of paragraph (3) of the preceding Article do not apply.

(2) The disposition referred to in the preceding paragraph may only be issued to a person who has filed a notification referred to in paragraph (1) or (2) of the preceding Article within thirty days from the day on which the notification is filed.

(3) If the Design Features of a Building, structure, or a part of thereof under a

notification referred to in paragraph (1) or (2) of the preceding Article or a part thereof is required as an obligation pursuant to the provisions of any other law or regulation stipulated by Cabinet Order, the disposition referred to in paragraph (1) must not interfere with the fulfillment of the obligation.

- (4) If a notification referred to in paragraph (1) or (2) of the preceding Article has been filed and it is necessary to conduct an on-site investigation or if there are reasonable grounds for the head of a Landscape Administration Body being unable to issue the disposition referred to in paragraph (1) within the period prescribed in paragraph (2), the head of the Landscape Administration Body may extend the period prescribed in paragraph (2) for up to ninety days, during the time that the reason exists. In this case, the head of the Landscape Administration Body shall, within the period prescribed in paragraph (2), notify the person who filed the notification referred to in paragraph (1) or (2) of the preceding Article of that effect, the extension period, and the grounds therefor.
- (5) The head of a Landscape Administration Body may order a person who has violated a disposition referred to in paragraph (1) or a person who has succeeded to the rights to the relevant Building or structure from a person who has violated such a disposition, to restore the Building or structure to its original state, setting a reasonable period of time therefor, or may take necessary alternative measures if restoration to the original state is extremely difficult, to the extent necessary in order to make a Building or structure conform to the restrictions on its Design Features which have been specified in the Landscape Plan.
- (6) If the head of a Landscape Administration Body seeks to order restoration to the original state or take a necessary alternative measure pursuant to the provisions of the preceding paragraph (hereinafter referred to as "Restoration, etc." in this Article), and is without fault in being unable to ascertain the person that should be ordered to carry out the Restoration, etc., the head of the Landscape Administration Body may carry out the Restoration, etc., or order or commission another party to carry out the Restoration, etc., at the expense of that person. In this case, the head of the Landscape Administration Body shall give advance public notice that the person must carry out the Restoration, etc. within a reasonable period specified by the head of the Landscape Administration Body, and that if the person does not carry out the Restoration, etc. within the period, the Restoration, etc. will be carried out by the head of the Landscape Administration Body or by a party ordered or commissioned to do so by the head of the Landscape Administration Body.
- (7) The head of a Landscape Administration Body may, either have a person who has been ordered to take necessary measures pursuant to paragraph (1) report the progress of the measures and other necessary matters, or have an employee

or employees of the Landscape Administration Body enter the site of the relevant Building or the plot of land on which the relevant structure is located, and inspect the progress of the specified action subject to notification or investigate the influence on the landscape caused by the specified action subject to notification, to the extent necessary for the enforcement of the provisions of paragraph (1).

- (8) A person seeking to carry out a Restoration, etc. pursuant to the provisions of paragraph (6) and a person who conducts an on-site inspection or on-site investigation pursuant to the provisions of the preceding paragraph shall carry a certificate of identity and present the same at the request of the persons concerned.
- (9) The authority for on-site inspection or on-site investigation under the provisions of paragraph (7) may not be construed as authority granted for the purposes of criminal investigation.

(Restriction on Beginning an Action)

Article 18 (1) A person who has filed a notification under the provisions of Article 16, paragraph (1) or (2) may not begin the action under the notification (excluding any action related to pit excavation or other construction work specified by Cabinet Order; the same shall apply in Article 103, item (iv)) until after thirty days (or, if the period prescribed in paragraph (2) of the Article with respect to the specified action subject to notification has been extended pursuant to the provisions of paragraph (4) of the same Article, the extended period) have passed since the day on which the Landscape Administration Body received the notification; however, this shall not apply to any specified action subject to notification that is carried out under an order issued pursuant to paragraph (1) of the preceding Article.

- (2) If the head of a Landscape Administration Body finds that an action under a notification under Article 16, paragraph (1) or (2) does not interfere with the formation of a good landscape, the head of the Landscape Administration Body may shorten the period prescribed in the main clause of the preceding paragraph.

Section 3: Structures, etc. of Landscape Importance

Subsection 1: Designation, etc. of Structures of Landscape Importance

(Designation of Structures of Landscape Importance)

Article 19 (1) The head of a Landscape Administration Body may designate a structure (including land and other objects forming a single good landscape together with the structure; the same shall apply hereinafter in this Section) that is important for the formation of a good landscape in a Landscape

Planning Area and that satisfies the criteria specified by Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism as a structure of landscape importance, in accordance with the policy for the designation of structures of landscape importance that has been specified in a Landscape Plan (referred to in paragraph (3) of the following Article as the "Designation Policy").

- (2) Before seeking to give the designation under the preceding paragraph, the head of a Landscape Administration Body shall 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 Article 21, paragraph (1)) of the structure that the head of a Landscape Administration Body seeks to designate.
- (3) The provisions of paragraph (1) shall not apply to a structure that has been designated or provisionally designated as a National Treasure; an Important Cultural Property; a Natural Monument of Special Historic Site and Special Place of Scenic Beauty; or a Natural Monument of Historic Site and Place of Scenic Beauty under the provisions of the Act on the Protection of Cultural Properties (Act No. 214 of 1950).

(Proposal for Designation of Structures of Landscape Importance)

Article 20 (1) If the owner of a structure in a Landscape Planning Area finds that the structure is important for the formation of a good landscape and satisfies the criteria specified by Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism which are referred to in paragraph (1) of the preceding Article, the owner of the structure may, pursuant to the relevant Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism, propose to the head of the relevant Landscape Administration Body that the structure be designated as a structure of landscape importance. In this case, if the structure has any owner other than the owner making the proposal for the structure, all other owners' consent must be obtained in advance.

- (2) If a Landscape Development Organization designated pursuant to the provisions of Article 92, paragraph (1), (hereinafter in this Section and Section 5 referred to as a "Landscape Development Organization") finds that a structure in a Landscape Planning Area is important for the formation of a good landscape and satisfies the criteria specified by Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism which are referred to in paragraph (1) of the preceding Article, the Landscape Development Organization may, after obtaining the consent of the owner of the structure, propose to the head of the relevant Landscape Administration Body that the structure be designated as a structure of landscape importance.
- (3) If the head of a Landscape Administration Body, upon evaluating the

structure in a proposal under the preceding two paragraphs against the Designation Policy and the criteria specified by Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism which are referred to in paragraph (1) of the preceding Article, etc., has judged that the structure does not need to be designated as a structure of landscape importance, the head of the Landscape Administration Body shall notify the person that made the proposal of that judgment and the reason therefor without delay.

(Notice, etc. of Designation)

- Article 21 (1) When the head of a Landscape Administration Body has designated a structure of landscape importance pursuant to the provisions of Article 19, paragraph (1), the head of the Landscape Administration Body shall immediately notify the owner of the structure of landscape importance (or, if the designation is based on a proposal made pursuant to the provisions of paragraph (2) of the preceding Article, the owner of the structure of landscape importance and the Landscape Development Organization involved in the proposal) of the designation and other matters specified by Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism.
- (2) When a structure of landscape importance has been designated pursuant to the provisions of Article 19, paragraph (1), the head of the Landscape Administration Body shall install a sign indicating the designation without delay, as prescribed in Ordinance or Rule.

(Regulations on the Alteration of a Current State)

- Article 22 (1) No person may extend, reconstruct, relocate, or remove any structure of landscape importance; repair or remodel such a structure to the extent of changing its appearance; or change the color of such a structure, without obtaining permission from the head of a Landscape Administration Body; however, this shall not apply to routine management activities, minor actions, or any other action specified by Cabinet Order, nor to an action taken as a necessary emergency measure in the event of an extraordinary disaster.
- (2) If an application has been filed for the permission referred to in the preceding paragraph, and the head of the Landscape Administration Body finds that the action applied for interferes with the preservation of the good landscape containing the relevant structure of landscape importance, the head of the Landscape Administration Body may not grant the permission referred to in the paragraph.
- (3) If an application has been filed for the permission referred to in paragraph (1), and the head of the Landscape Administration Body recognizes the necessity for the preservation of a good landscape containing the relevant structure of landscape importance, the head of the Landscape Administration Body may

attach any necessary conditions to the permission.

- (4) Notwithstanding the provisions of paragraph (1), the permission referred to in the paragraph is not required for an action carried out by a national agency or a local government. In this case, before seeking to carry out the action, the relevant national agency or the relevant local government shall consult with the head of the Landscape Administration Body.

(Restoration Orders, etc.)

Article 23 (1) The head of the Landscape Administration Body may, order a person who has violated the provisions of paragraph (1) of the preceding Article, a person who has violated the conditions attached to the permission pursuant to paragraph (3) of the same Article, if such conditions are attached, or a person who has succeeded to the rights to the relevant structure of landscape importance from the violator, to restore the structure to its original state, setting a reasonable period therefor, or may take necessary alternative measures if the restoration to the original state is extremely difficult, to the extent necessary for the preservation of a good landscape containing the relevant structure of landscape importance.

- (2) If the head of a Landscape Administration Body seeks to order a restoration or take necessary alternative measures pursuant to the provisions of the preceding paragraph (hereinafter referred to as "Restoration, etc." in this Article), and is without fault in being unable to ascertain the person who should be ordered to carry out the Restoration, etc., the head of the Landscape Administration Body may carry out the Restoration, etc. or order or commission another party to carry out the Restoration, etc. at the expense of that person. In this case, the head of the Landscape Administration Body shall give advance public notice that the person must carry out the Restoration, etc. within a specified reasonable period, and that if the person does not carry out the Restoration, etc. within the period, the Restoration, etc. will be carried out by the head of the Landscape Administration Body or a party ordered or commissioned by the head of the Landscape Administration Body to do so.

- (3) A person seeking to carry out a Restoration, etc., pursuant to the provisions of the preceding paragraph shall carry a certificate of identification and present it at the request of the persons concerned.

(Compensation for Loss)

Article 24 (1) A Landscape Administration Body compensates the owner of a structure of landscape importance that has suffered any loss as a result of being unable to obtain the permission prescribed in Article 22, paragraph (1), to the extent of the loss that would normally be incurred in a similar situation; however, if the provisions of any Act other than this Act (including an order or

ordinance based on another Act) requires, as a condition for the action applied for, any other permission or disposition of an administrative organ (excluding any provision stipulating an obligation to compensate a person for the loss suffered as a result of being unable to receive the relevant permission or disposition), and the application for the relevant permission or disposition has been or should be denied, these provisions shall not apply to the action for which an application has been filed for the relevant permission.

- (2) Compensation for a loss under the provisions of the preceding paragraph must be discussed between the head of a Landscape Administration Body and the person who has suffered the loss.
- (3) If no agreement is reached in the discussion under the preceding paragraph, the head of the Landscape Administration Body or the person who has suffered the loss may apply to the Expropriation Committee for a determination under Article 94, paragraph (2), of the Compulsory Purchase of Land Act (Act No. 219 of 1951), pursuant to the provisions of Cabinet Order.

(Owner's Obligation to Maintain, etc. a Structure of Landscape Importance)

Article 25 (1) The owner and the superintendent of a structure of landscape importance must maintain the structure appropriately so as not to damage the good landscape that contains it.

- (2) A Landscape Administration Body may specify, by Ordinance, the necessary criteria for management methods for preserving a good landscape containing a structure of landscape importance.

(Orders and Recommendations for Management)

Article 26 When the head of a Landscape Administration Body finds that a structure of landscape importance is likely to be lost or damaged due to inappropriate management of the structure or, if Ordinance based on the provisions of paragraph (2) of the preceding Article has been enacted, that management of a structure of landscape importance is not being carried out appropriately in accordance with the Ordinance, the head of the Landscape Administration Body may order the owner or the superintendant of the structure of landscape importance to improve the management method or take any other necessary measures for its management, or may recommend the owner or the superintendant to do so.

(Cancellation of Designation)

Article 27 (1) If a structure of landscape importance has become a structure prescribed in Article 19, paragraph (3), or if the reason for its designation has ceased to exist due to loss, damage, or any other cause, the head of the Landscape Administration Body shall cancel its designation, without delay.

- (2) The head of a Landscape Administration Body may cancel the designation of a structure of landscape importance on the grounds of public interest or for other special grounds.
- (3) The provisions of Article 21, paragraph (1), shall apply mutatis mutandis to the cancellation of the designation of a structure of landscape importance under the provisions of the preceding two paragraphs.

Subsection 2 Designation, etc. of Trees of Landscape Importance

(Designation of Trees of Landscape Importance)

Article 28 (1) The head of a Landscape Administration Body may designate a tree that is important for the formation of a good landscape in a Landscape Planning Area and that satisfies the criteria specified by Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism (or, for a tree in an area outside a City Planning Area, Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism or the Ministry of Agriculture, Forestry and Fisheries; the same shall apply hereinafter in this subsection) as a tree of landscape importance, in accordance with the policy for the designation of trees of landscape importance which has been specified in the Landscape Plan (referred to in paragraph (3) of the following Article as the "Designation Policy").

- (2) Before seeking to make a designation pursuant to the preceding paragraph, the head of a Landscape Administration Body shall 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 Article 30, paragraph (1)) of the tree that the head of a Landscape Administration Body seeks to designate.
- (3) The provisions of paragraph (1) shall not apply to a tree that has been designated or provisionally designated as a Natural Monument of Special Historic Site and Place of Scenic Beauty; or a Natural Monument of Historic Site and Place of Scenic Beauty under the provisions of the Act on the Protection of Cultural Properties.

(Proposal for Designation of Trees of Landscape Importance)

Article 29 (1) If the owner of a tree in a Landscape Planning Area finds that the tree is important for the formation of a good landscape and satisfies the criteria specified by Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism which are referred to in paragraph (1) of the preceding Article, the owner of the tree may, pursuant to Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism, propose to the head of the Landscape Administration Body that the tree be designated as a tree of landscape importance. In this case, if the tree has any owner other than the

owner making the proposal for the tree, all other owners' consent must be obtained in advance.

- (2) If a Landscape Development Organization finds that a tree in a Landscape Planning Area is important for the formation of a good landscape and satisfies the criteria specified by Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism which are referred to in paragraph (1) of the preceding Article, the Landscape Development Organization may, after obtaining the consent of the owner of the tree, propose to the head of the Landscape Administration Body that the tree be designated as a tree of landscape importance.
- (3) When the head of a Landscape Administration Body, upon evaluating the tree in a proposal under the preceding two paragraphs against the Designation Policy and the criteria specified by Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism which are referred to in paragraph (1) of the preceding Article, etc., has judged that the tree does not need to be designated as a tree of landscape importance, the head of the Landscape Administration Body shall notify the person that made the proposal of that judgment and the reason therefor without delay.

(Notice, etc. of Designation)

- Article 30 (1) When the head of a Landscape Administration Body has designated a tree of landscape importance pursuant to the provisions of Article 28 paragraph (1), the head of the Landscape Administration Body shall immediately notify the owner of the tree of landscape importance (or, if the designation is based on a proposal made pursuant to the provisions of paragraph (2) of the preceding Article, the owner of the tree of landscape importance and the Landscape Development Organization involved in the proposal) of the designation and other matters specified by Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism.
- (2) When a tree of landscape importance has been designated pursuant to the provisions of Article 28, paragraph (1), the head of the Landscape Administration Body shall install a sign indicating the designation without delay, as prescribed in Ordinance or Rule.

(Regulation on the Alteration of a Current State)

- Article 31 (1) No person may cut or transplant any tree of landscape importance without obtaining permission from the head of the Landscape Administration Body; however, this shall not apply to routine management activity, minor actions, or any other action specified by Cabinet Order, nor to an action taken as a necessary emergency measure in the event of an extraordinary disaster.
- (2) The provisions of Article 22, paragraphs (2) through (4) shall apply mutatis

mutandis to permission referred to in the preceding paragraph. In this case, the term "structure of landscape importance" in paragraphs (2) and (3) of the Article shall be deemed to be replaced with "tree of landscape importance."

(Application Mutatis Mutandis of Provisions on Restoration Orders, etc.)

Article 32 (1) The provisions of Article 23 shall apply mutatis mutandis if a person has violated the provisions of paragraph (1) of the preceding Article or if a person has violated any condition that has been attached to permission pursuant to the provisions of Article 22, paragraph (3), as applied mutatis mutandis under Article 31, paragraph (2). In this case, the term "structure of landscape importance" in Article 23, paragraph (1), shall be deemed to be replaced with "tree of landscape importance."

(2) The provisions of Article 24 shall apply mutatis mutandis to any loss that the owner of a tree of landscape importance has suffered as a result of being unable to obtain the permission prescribed in paragraph (1) of the preceding Article.

(Owner's Obligation, etc. to Maintain a Tree of Landscape Importance)

Article 33 (1) The owner and the superintendant of a tree of landscape importance must maintain the tree appropriately so as not to damage the good landscape that contains it.

(2) A Landscape Administration Body may specify, by Ordinance, the criteria for the management measures for a tree of landscape importance.

(Orders and Recommendations for Management)

Article 34 When the head of a Landscape Administration Body finds that a tree of landscape importance is likely to be lost or to die due to inappropriate management of the tree or, if Ordinance based on the provisions of paragraph (2) of the preceding Article has been enacted, that the management of a tree of landscape importance is not being carried out appropriately in accordance with the Ordinance, the head of the Landscape Administration Body may order the owner or the superintendant of the tree of landscape importance to improve the management measures or take any other necessary measures for its management, or may recommend the owner or the superintendant to do so.

(Cancellation of Designation)

Article 35 (1) If a tree of landscape importance has become a tree prescribed in Article 28, paragraph (3), or if the reason for its designation has ceased to exist due to loss, death, or any other cause, the head of the Landscape Administration Body shall cancel its designation, without delay.

(2) The head of a Landscape Administration Body may cancel the designation of a

tree of landscape importance on the grounds of public interest or for other special grounds.

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

Subsection 3 Management Agreements

(Conclusion, etc. of a Management Agreement)

Article 36 (1) If a Landscape Administration Body or a Landscape Development Organization finds it to be necessary for the appropriate management of a structure of landscape importance or a tree of landscape importance, the Landscape Administration Body or the Landscape Development Organization may enter into an agreement stipulating the matters listed below (hereinafter referred to as a "Management Agreement") with the owner (or with all of the owners if there are two or more owners; the same shall apply in Article 42, paragraph (1)) of the relevant structure of landscape importance or the relevant tree of landscape importance, and may maintain the structure of landscape importance or tree of landscape importance accordingly:

- (i) the structure of landscape importance subject to the Management Agreement (hereinafter referred to as the "Structure Under the Agreement") or the tree of landscape importance subject to the Management Agreement (hereinafter referred to as the "Tree Under the Agreement");
 - (ii) matters involving the management method for the Structure Under the Agreement or for the Tree Under the Agreement;
 - (iii) the valid period of the Management Agreement;
 - (iv) measures to be taken in the event of a violation of the Management Agreement.
- (2) The contents of a Management Agreement must comply with all of the criteria listed in the following items:
- (i) the Management Agreement does not unreasonably restrict the use of the Structure Under the Agreement or the Tree Under the Agreement.
 - (ii) the contents of the matters listed in items (ii) through (iv) of the preceding paragraph conform to the criteria specified by Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism (or by Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism or the Ministry of Agriculture, Forestry and Fisheries, for a Management Agreement concerning a tree in an area other than a City Planning Area; the same shall apply hereinafter in this subsection).
- (3) Before seeking to conclude a Management Agreement, a Landscape Development Organization shall obtain the approval of the head of the

Landscape Administration Body.

(Public Inspection, etc. of a Management Agreement)

- Article 37 (1) If a Landscape Administration Body or the head thereof seeks to conclude a Management Agreement or when an application has been filed for the approval of a Management Agreement under the provisions of paragraph (3) of the preceding Article, the Landscape Administration Body or the head thereof shall give public notice of this and shall make the relevant Management Agreement available for inspection by the persons concerned for two weeks from the day of the public notice, pursuant to Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism.
- (2) When the public notice under the preceding paragraph has been given, any person concerned may submit a written opinion concerning the relevant Management Agreement to the Landscape Administration Body or the head thereof by the end of the inspection period referred to in the preceding paragraph.

(Approval of a Management Agreement)

- Article 38 If an application for the approval of a Management Agreement under in Article 36, paragraph (3) conforms to all of the following items, the head of the Landscape Administration Body shall approve the relevant Management Agreement:
- (i) the application procedures do not violate any law or regulation;
 - (ii) the contents of the Management Agreement conform to all of the criteria listed in the items of Article 36, paragraph (2).

(Public Notice of a Management Agreement)

- Article 39 If a Landscape Administration Body or the head thereof has concluded a Management Agreement or has granted the approval referred to in the preceding Article, respectively, the Landscape Administration Body or the head thereof shall give public notice of this, and shall make a copy of the Management Agreement available for public inspection at the office of the Landscape Administration Body, as prescribed by Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism.

(Alteration of a Management Agreement)

- Article 40 The provisions of Article 36, paragraphs (2) and (3) and of the preceding three Articles shall apply mutatis mutandis to the alteration of a matter stipulated in a Management Agreement.

(Validity of a Management Agreement)

Article 41 A Management Agreement with respect to which the public notice under Article 39 has been given (including cases where the Article is applied mutatis mutandis pursuant to the preceding Article) is in effect even for a person who becomes the owner of the Structure Under the Agreement or the Tree Under the Agreement after the issuance of the public notice.

(Special Provisions on the Duties of Green Space Management Organizations)

Article 42 (1) When a green space management organization that has been designated pursuant to the provisions of Article 68, paragraph (1), of the Urban Green Space Conservation Act (Act No. 72 of 1973), and that performs the duties listed in Article 69, item (i), (a), of the Act (hereinafter in this section referred to as a "Green Space Management Organization") finds it necessary for appropriate management of a tree of landscape importance, the Green Space Management Organization may enter into a Management Agreement with the owner of the tree of landscape importance, maintain the tree of landscape importance, and carry out duties incidental thereto, in addition to the duties listed in the each item of Article 69.

(2) In the case referred to in the preceding paragraph, the words "or the duties listed in (d) 1" in Article 70 of the Urban Green Space Conservation Act 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 paragraphs (2) and (3) of Article 36 and the provisions of Article 37 through the preceding Article shall apply mutatis mutandis when a Green Space Management Organization performs any of the duties prescribed in the preceding two paragraphs.

Subsection 4 Miscellaneous Provisions

(Reporting in Cases of Ownership Change)

Article 43 If there has been a change of ownership in a structure of landscape importance or a tree of landscape importance, the new owner shall notify the head of the Landscape Administration Body of this without delay.

(Register)

Article 44 (1) The head of a Landscape Administration Body shall prepare and take custody of a register of structures of landscape importance or trees of landscape importance.

(2) The necessary matters for the preparation and custody of the register referred to in the preceding paragraph are specified by Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism (or by Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism or the Ministry of Agriculture,

Forestry and Fisheries, for a register of trees of landscape importance that are not located in a City Planning Area).

(Collection of Reports)

Article 45 If the head of a Landscape Administration Body finds it to be necessary, the head of a Landscape Administration Body may ask the owner of a structure of landscape importance or a tree of landscape importance to report the current state of the structure of landscape importance or the tree of landscape importance.

(Advice or Assistance)

Article 46 The owner of a structure of landscape importance may request a Landscape Administration Body or a Landscape Development Organization, and the owner of a tree of landscape importance may request a Landscape Administration Body, Landscape Development Organization, or Green Space Management Organization to provide the necessary advice or assistance in connection with the management of the structure of landscape importance or the tree of landscape importance.

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

(Development of Public Facilities of Landscape Importance)

Article 47 If matters related to the development of a Public Facility of Landscape Importance as referred to in Article 8, paragraph (2), item (iv), (b) have been specified in a Landscape Plan, the development of the relevant Public Facility of Landscape Importance must be carried out in accordance with the Landscape Plan.

(Special Provisions on the Act on Special Measures for the Construction, etc. of Common-Use Cable Tunnels)

Article 48 With regard to the application of the provisions of Article 3 of the Act on Special Measures for the Construction, etc. of Common-Use Cable Tunnels (Act No. 39 of 1995) to a road prescribed under the Road Act that has been 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 a safe and smooth traffic flow and improve the landscape" in paragraph (1) of the same Article shall be deemed to be replaced with "in order to improve the landscape and ensure a safe and smooth traffic flow in accordance with a Landscape Plan (meaning a Landscape Plan as prescribed in Article 8, paragraph (1), of the Landscape Act)"; the words "especially necessary" shall be deemed to be replaced with "necessary"; the words "the

municipality (excluding any municipality acting as the road administrator of the road to be designated and any municipality that has made a request pursuant to the following paragraph)" in paragraph (2) of the same Article shall be deemed to be replaced with "the municipality (excluding any municipality acting as the road administrator of the road to be designated and any municipality that has made a request pursuant to the following paragraph), the prefecture acting as the Landscape Administration Body (meaning a Landscape Administration Body prescribed in Article 7 paragraph (1) of the Landscape Act; the same shall apply hereinafter) in the area where there is a road to be designated as a "Road of Landscape Importance" (excluding any prefecture acting as the road administrator of the road to be designated and any prefecture that has made a request as prescribed in the following paragraph)"; and the words "municipality" in paragraph (3) of the same Article shall be deemed to be replaced with "municipality or prefecture acting as the Landscape Administration Body."

(Special Provisions on the Road Act)

Article 49 With regard to the application of the provisions of Article 33, Article 36, paragraph (2) and Article 87, paragraph (1) of the Road Act to a Road of Landscape Importance with respect to which matters connected with the permission criteria referred to in Article 8, paragraph (2), item (iv), (c) 1 have been specified in a Landscape Plan, the words "criteria specified by Cabinet Order" in Article 33 and Article 36, paragraph (2), of the Road Act shall be deemed to be replaced with "criteria specified by Cabinet Order and the permission criteria referred to in Article 8, paragraph (2), item (iv), (c) 1 of the Landscape Act which have been specified in a Landscape Plan prescribed in Article 8, paragraph (1) of the same Act"; and the words "ensure a smooth traffic flow" in Article 87, paragraph (1) of the Road Act shall be deemed to be replaced with "ensure a smooth traffic flow or form a good landscape."

(Special Provisions on Permission under the River Act)

Article 50 With regard to an action that requires the permission under Article 24; Article 25; Article 26, paragraph (1); or Article 27, paragraph (1) of the River Act (including as applied mutatis mutandis pursuant to Article 100, paragraph (1) of the same Act) on land within the river zone (meaning a river zone prescribed in Article 6, paragraph (1) (including as applied mutatis mutandis pursuant to Article 100, paragraph (1)) of the same Act) of a river under the River Act that constitutes a Public Facility of Landscape Importance for which the permission criteria referred to in Article 8, paragraph (2), item (iv), (c) 2 have been specified in a Landscape Plan (hereinafter in this Article referred to as a "River of Landscape Importance"), if the river administrator

(meaning a river administrator prescribed in Article 7 of the River Act (including as applied mutatis mutandis pursuant to Article 100, paragraph (1) of the River Act)) of the relevant River of Landscape Importance finds that said the relevant action does not conform to the permission criteria referred to in Article 8, paragraph (2), item (iv), (c) 2 that are specified in the relevant Landscape Plan, the river administrator may not grant the permission under the provisions of the River Act.

(Special Provisions, etc., on Permission under the Urban Park Act)

Article 51 (1) With regard to an action that requires the permission referred to in Article 5, paragraph (1) of the Urban Park Act in an urban park under the same Act that constitutes a Public Facility of Landscape Importance for which the permission criteria referred to in Article 8, paragraph (2), item (iv), (c) 3 (limited to criteria for the permission referred to in Article 5, paragraph (1) of the Urban Park Act; the same shall apply hereinafter in this paragraph) have been specified in a Landscape Plan (hereinafter in this Article referred to as an "Urban Park of Landscape Importance"), if the park administrator (meaning a park administrator prescribed in Article 5, paragraph (1) of the Urban Park Act) of the relevant Urban Park of Landscape Importance finds that the relevant action does not conform to the permission criteria referred to in Article 8, paragraph (2), item (iv), (c) 3 that are specified in the relevant Landscape Plan, the park administrator may not grant the permission referred to in Article 5, paragraph (1) of the Urban Park Act.

(2) With regard to the application of the provisions of Article 7 of the Urban Park Act to an Urban Park of Landscape Importance for which the permission criteria referred to in Article 8, paragraph (2), item (iv), (c) 3 (limited to criteria for the permission referred to in Article 6, paragraph (1) or (3) of the Urban Park Act) have been specified in a Landscape Plan, the words "technical standards specified by Cabinet Order" in Article 7 of the Urban Park Act shall be deemed to be replaced with "technical standards specified by Cabinet Order and the permission criteria referred to in Article 8, paragraph (2), item (iv), (c) 3 of the Landscape Act that are specified in a Landscape Plan prescribed in Article 8, paragraph (1) of the same Act."

(Special Provisions on the Act on Regional Development for Tsunami Disaster Prevention)

Article 51-2 With regard to the application of the provisions of Article 22, paragraph (2) and Article 23, paragraph (2) of the Act on Regional Development for Tsunami Disaster Prevention to a tsunami defense facility that constitutes a Public Facility of Landscape Importance for which the permission criteria referred to in Article 8, paragraph (2), item (iv), (c) 4 have

been specified in a Landscape Plan, the words "is likely to seriously interfere with the preservation of a tsunami defence facility" in Article 22, paragraph (2) of the Act shall be deemed to be replaced with "is likely to seriously interfere with the preservation of a tsunami defence facility or does not conform to the permission criteria referred to in Article 8, paragraph (2), item (iv), (c) 4 of the Landscape Act (limited to criteria for the permission referred to in the preceding paragraph) that are specified in a Landscape Plan prescribed in Article 8, paragraph (1) of the same Act"; the words "paragraph (2) of the preceding Article" in Article 23, paragraph (2) of the Act on Regional Development for Tsunami Disaster Prevention shall be deemed to be replaced with "paragraph (2) of the preceding Article as applied mutatis mutandis pursuant to the provisions of Article 51-2 of the Landscape Act"; and the words "apply mutatis mutandis to the permission under the preceding paragraph" shall be deemed to be replaced with "apply mutatis mutandis to the permission under the preceding paragraph. In this case, the words 'criteria for the permission referred to in the preceding paragraph' in paragraph (2) of the same Article shall be deemed to be replaced with 'criteria for the permission referred to in paragraph (1) of the following Article.'"

(Special Provisions, etc. on the Coast Act)

Article 52 (1) With regard to the application of the provisions of Article 7, paragraph (2) and Article 8, paragraph (2) of the Coast Act to the coast in a coastal preservation area, etc. that constitutes a Public Facility of Landscape Importance for which the permission criteria referred to in Article 8, paragraph (2), item (iv), (c) 5 (limited to criteria for the permission referred to in Article 7, paragraph (1) or Article 8, paragraph (1) of the Coast Act) have been specified in a Landscape Plan (referred to in the following paragraph as a "Coast of Landscape Importance"), the words "is likely to seriously interfere with coastal protection" in Article 7, paragraph (2) of the Coast Act shall be deemed to be replaced with "is likely to seriously interfere with coastal protection or does not conform to the permission criteria referred to in Article 8, paragraph (2), item (iv), (c) 5 of the Landscape Act (limited to criteria for the permission referred to in the preceding paragraph) that have been specified in a Landscape Plan prescribed in Article 8, paragraph (1) of the same Act"; the words "paragraph (2) of the preceding Article" in Article 8, paragraph (2) of the Coast Act shall be deemed to be replaced with "paragraph (2) of the preceding Article as applied mutatis mutandis pursuant to the provisions of Article 52, paragraph (1) of the Landscape Act"; and the words "apply mutatis mutandis to the permission under the preceding paragraph" shall be deemed to be replaced with "apply mutatis mutandis to the permission under the preceding paragraph. In this case, the words 'criteria for the permission referred to in the

preceding paragraph' in paragraph (2) of the same Article shall be deemed to be replaced with 'criteria for the permission referred to in paragraph (1) of the following Article.'

- (2) With regard to an action that requires the permission under Article 37-4 or Article 37-5 of the Coast Act in a public seacoast area (meaning a public seacoast area prescribed in Article 2, paragraph (2) of the Coast Act) that is a Coast of Landscape Importance for which the permission criteria referred to in Article 8, paragraph (2), item (iv), (c) 5 (limited to criteria for the permission referred to in Article 37-4 or Article 37-5 of the Coast Act; the same shall apply hereinafter in this paragraph) have been specified in a Landscape Plan, if the coast administrator (meaning a coast administrator prescribed in Article 2, paragraph (3) of the Coast Act) of the relevant Coast of Landscape Importance finds that the relevant action does not conform to the permission criteria referred to in Article 8, paragraph (2), item (iv), (c) 5 that are specified in the relevant Landscape Plan, the coast administrator may not grant the permission under these provisions of the Coast Act.

(Special Provisions on the Port and Harbor Act)

Article 53 With regard to the application of the provisions of Article 37, paragraph (2) of the Port and Harbor Act to a port or a harbor under the Act that constitutes a Public Facility of Landscape Importance for which the permission criteria referred to in Article 8, paragraph (2), item (iv), (c) 6 have been specified in a Landscape Plan, the words "or seriously impede the implementation of the Port Plan made public pursuant to the provisions of paragraph (9) or (10) of Article 3-3," in Article 37, paragraph (2) of the Act shall be deemed to be replaced with ", seriously impede the implementation of the Port Plan made public pursuant to the provisions of paragraph (9) or (10) of Article 3-3,"; and the words ", or otherwise considerably interfere with the development of the port;" shall be deemed to be replaced with "; considerably interfere with the development of the port; or do not comply with the permission criteria referred to in Article 8 paragraph (2), item (iv), (c) 6 of the Landscape Act that have been specified in a Landscape Plan as prescribed in Article 8, paragraph (1) of the same Act."

(Special Provisions on the Act on Development of Fishing Ports and Grounds)

Article 54 With regard to the application of the provisions of Article 39, paragraphs (2) and (3) of the Act on the Development of Fishing Ports and Grounds to a fishing port under the same Act that constitutes a Public Facility of Landscape Importance for which the permission criteria referred to in Article 8, paragraph (2), item (iv), (c) 7 have been specified in a Landscape Plan, the words "or otherwise considerably interfere with the preservation of a

fishing port," in Article 39, paragraph (2) of the Act on Development of Fishing Ports and Grounds shall be deemed to be replaced with "or otherwise considerably interfere with the preservation of a fishing port; or do not comply with the permission criteria referred to in Article 8, paragraph (2), item (iv), (c) 7 of the Landscape Act that have been specified in a Landscape Plan prescribed in Article 8, paragraph (1) of the same Act"; and the words "for the conservation of a fishing port" in paragraph (3) of the Article shall be deemed to be replaced with "for the conservation of a fishing port or the formation of a good landscape."

Section 5 Landscape-Oriented Agricultural Promotion Region Development Plans, etc.

(Landscape-Oriented Agricultural Promotion Region Development Plans)

- Article 55 (1) If a municipality finds it necessary to facilitate the integrated development of agricultural land (meaning agricultural land prescribed in Article 3, paragraph (1) of the Act on Establishment of Agricultural Promotion Regions; the same shall apply hereinafter), agricultural facilities, and other facilities suitable for the characteristics of the region in order to execute an agricultural promotion region development plan and ensure favorable agricultural conditions in harmony with the landscape in a Landscape Planning Area that is located within an agricultural promotion region (meaning an agricultural promotion region designated pursuant to the provisions of Article 6, paragraph (1) of the Act) and for which the basic matters listed in Article 8, paragraph (2), item (iv), (d) have been specified in a Landscape Plan, the municipality may formulate a landscape-oriented agricultural promotion region development plan.
- (2) A landscape-oriented agricultural promotion region development plan must specify the following:
- (i) the region covered by the landscape-oriented agricultural promotion region development plan;
 - (ii) matters related to use of agricultural land that is in harmony with the landscape of the region referred to in the preceding item; and
 - (iii) the matters listed in Article 8, paragraph (2), items (ii), (ii)-2, and (iv) of the Act on Establishment of Agricultural Promotion Regions in the region referred to in item (i).
- (3) A landscape-oriented agricultural promotion region development plan must be consistent with the Landscape Plan and the agricultural promotion region development plan, in harmony with any of the plans prescribed in Article 4 paragraph (3) of the Act on Establishment of Agricultural Promotion Regions, and shall specify, in an integrated manner, all matters necessary for the

comprehensive promotion of agriculture, in light of the natural, economic, and social conditions in the region referred to in item (i) of the preceding paragraph.

(4) The provisions of 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 Establishment of Agricultural Promotion Regions shall apply mutatis mutandis to all landscape-oriented agricultural promotion region development plans. In this case, in Article 8, paragraph (4) of the same Act, the words "shall consult with the prefectural governor and obtain the consent thereof for any agricultural promotion region development plan concerning matters listed in paragraph (2), item (i) (hereinafter referred to as the "Agricultural Land Use Plan"), pursuant to the provisions of Cabinet Order" shall be deemed to be replaced with "shall consult with the prefectural governor"; the words "within an agricultural land region covered by the Agricultural Land Use Plan in an agricultural promotion region development plan" in Article 11, paragraph (3) of the same Act shall be deemed to be replaced with "within an region referred to in Article 55, paragraph (2), item (i) of the Landscape Act that is covered by a landscape-oriented agricultural promotion region development plan (meaning a landscape-oriented agricultural promotion region development plan as prescribed in Article 55, paragraph (1) of the Landscape Act; the same shall apply hereinafter)"; the words "the relevant Agricultural Land Use Plan" shall be deemed to be replaced with "the relevant landscape-oriented agricultural promotion region development plan"; the words "the same paragraph" shall be deemed to be replaced with "paragraph (1)"; the words "agricultural land region" in Article 11, paragraph (10) of the Act on Establishment of Agricultural Promotion Regions shall be deemed to be replaced with "an region prescribed in Article 55, paragraph (2), item (i) of the Landscape Act"; the words "use the state-owned land as agricultural land, etc." in Article 11, paragraph (11), of the Act on Establishment of Agricultural Promotion Regions shall be deemed to be replaced with "use the the state-owned land in accordance with a landscape-oriented agricultural promotion region development plan"; in the first sentence in Article 13, paragraph (1) of the same Act, the words "basic policy for agricultural promotion region development" shall be deemed to be replaced with "Landscape Plan as prescribed in Article 8, paragraph (1) of the Landscape Act or an agricultural promotion region development plan"; the words ", as a result of a basic survey as prescribed in paragraph (1) of the preceding Article, or because" shall be deemed to be replaced with "or because"; the words "agricultural promotion region development plan as prescribed by Cabinet Order" shall be deemed to be replaced with "agricultural promotion area development plan"; in Article 13, paragraph (4) of the same Act the words

"paragraph (12))" shall be deemed to be replaced with "the second sentence in Article 9 and paragraph (12))"; the words "in Article 12, paragraph (2)" shall be deemed to be replaced with "in Article 8, paragraph (4) the words 'shall consult with the prefectural governor and obtain the consent thereof for any agricultural promotion region development plan relating to matters listed in paragraph (2), item (1), (hereinafter referred to as the "Agricultural Land Use Plan"), pursuant to the provisions of Cabinet Order' shall be deemed to be replaced with 'shall consult with the prefectural governor'; and in Article 12, paragraph (2)"; and the words ", the words" shall be deemed to be replaced with "; and the words."

(Recommendation for Land Use)

Article 56 (1) If a plot of land located in an region prescribed in paragraph (2), item (i) of the preceding Article is not being used in accordance with a landscape-oriented agricultural promotion region development plan, and it is necessary for executing the landscape-oriented agricultural promotion region development plan, the mayor of the municipality may recommend the owner of the plot of land or any person who is using and profiting from the plot of land based on any title other than that of ownership, that the owner or the person use the plot of land in accordance with the landscape-oriented agricultural promotion region development plan.

(2) If the mayor of the municipality has made a recommendation under the provisions of the preceding paragraph, and the person to whom the recommendation has been made does not or is not likely to follow the recommendation, the mayor of the municipality may recommend the person to agree to transfer the ownership or to establish or transfer a right to use or profit from the plot of land to a person seeking to acquire ownership or the right to use and profit from the plot of land who has been designated by the mayor, so that the plot of land is used in accordance with a landscape-oriented agricultural promotion region development plan.

(Special Provisions on the Agricultural Land Act)

Article 57 (1) Notwithstanding the provisions of Article 3, paragraph (2) of the Agricultural Land Act (Act No. 229 of 1952), in a case provided for in paragraph (2) of the preceding Article, if a Landscape Development Organization has been designated pursuant to the provisions of paragraph (2) of the preceding Article, and, due to an agreement that was reached in connection with the recommendation referred to in paragraph (2) of the preceding Article, the person subject to such recommendation seeks to establish a right through a loan for the use of, or a right of lease to the agricultural land or pasture land (meaning agricultural land or pasture land as

prescribed in Article 2, paragraph (1) of the Agricultural Land Act; the same shall apply hereinafter) subject to the recommendation in favor of the Landscape Development Organization, an agriculture commission (or, in a municipality without an agriculture commission as prescribed in Article 3, paragraph (5) of the Act on Agriculture Commission, etc. (Act No. 88 of 1951), the mayor of that municipality) may grant the permission referred to in Article 3, paragraph (1) of the Agricultural Land Act.

- (2) The provisions of the main clauses of Article 17 and Article 18, paragraph (1), and Article 18, paragraph (7) and (8) of the Agricultural Land Act shall not apply to the lease of agricultural land or pasture land in relation to which a right of lease has been established in favor of a Landscape Development Organization based on an agreement that was reached in connection with the recommendation referred to in paragraph (2) of the preceding Article.

(Special Provisions on the Act on Development of Agricultural Promotion Regions)

Article 58 (1) If the prefectural governor seeks to grant the permission referred to in Article 15-2, paragraph (1) of the Act on Development of Agricultural Promotion Regions, if the land involved in the development activity prescribed in the paragraph is located in an area prescribed in Article 55, paragraph (2), item (i), and if the prefectural governor finds that the development activity satisfies any of the items of Article 15-2, paragraph (4) of the same Act or that the development activity makes it difficult for the land involved in the development activity to be used in accordance with the landscape-oriented agricultural promotion region development plan, the prefectural governor may not grant the permission for the action.

- (2) With regard to the application of the provisions of Article 15-2, paragraph (5) of the Act on Development of Agricultural Promotion Regions to the permission prescribed in the preceding paragraph, the words "to ensure that the land involved in the relevant development activity and the agricultural land, etc. around there is used for agriculture" shall be deemed to be replaced with "to ensure that the land involved in the relevant development activity and the agricultural land, etc. around there is used for agriculture and that it is used in accordance with a landscape-oriented agricultural promotion region development plan formulated pursuant to the provisions of Article 55, paragraph (1), of the Landscape Act".

(Alteration of a Municipal Forest Development Plan)

Article 59 (1) In addition to in a case prescribed in Article 10-6, paragraph (2) and (3) of the Forest Act (Act No. 249 of 1951), if a municipality finds it appropriate to maintain and enhance the public interest function of a forest

within an area of the municipality for which a regional forest plan has been formulated pursuant to the provisions of Article 5, paragraph (1) of the Act in light of the Landscape Plan, the municipality may alter the part of the municipal forest development plan formulated pursuant to the provisions of Article 10-5, paragraph (1) of the Act.

- (2) An alteration under the preceding paragraph shall be deemed to have been made pursuant to the provisions of Article 10-6, paragraph (3) of the Forest Act.

Section 6 Special Provisions on the Natural Park Act

Article 60 With regard to the application of the provisions of Article 20, paragraph (4); Article 21, paragraph (4); and Article 22, paragraph (4) of the Natural Park Act in a Landscape Planning Area covered by a Landscape Plan that specifies the matters listed in Article 8, paragraph (2), item (iv), (e), the words in the provisions thereof "the criteria specified by Ordinance of the Ministry of the Environment" shall be deemed to be replaced with "the criteria specified by Ordinance of the Ministry of the Environment and the criteria prescribed in Article 8, paragraph (2), item (iv), (e) of the Landscape Act that has been specified in a Landscape Plan prescribed in Article 8, paragraph (1) of the same Act."

Chapter III Landscape Districts, etc.

Section 1 Landscape Districts

Subsection 1 City Plan for Landscape Districts

Article 61 (1) A municipality may establish a landscape district in a city plan in order to form a good urban landscape in an area of land within a City Planning Area or a Quasi-City Planning Area.

- (2) A city plan for a landscape district must specify the matters listed in Article 8, paragraph (3), items (i) and (iii) of the City Planning Act, the matters listed in item (i) of this paragraph, and necessary matters among those listed in items (ii) through (iv) of this paragraph. In this case, in a Landscape Planning district covered by a Landscape Plan that specifies matters equivalent to the foregoing, the city plan must be formulated so as not to hinder the formation of a good landscape under the Landscape Plan.

- (i) restrictions on the Design Features of Buildings;
- (ii) the maximum or minimum height limit of Buildings;
- (iii) restrictions on wall locations;
- (iv) the minimum site area of Buildings.

Subsection 2 Restrictions on the Design Features of Buildings

(Restrictions on the Design Features of Buildings)

Article 62 The Design Features of all Buildings in a landscape district must comply with the restrictions on the Design Features of Buildings specified in the city plan; provided, however, that this shall not apply to the Design Features of a Building or a part thereof that are required by the provisions of any other law or regulation specified by Cabinet Order.

(Certification of Plans)

Article 63 (1) Before seeking to carry out the Building, etc. of a Building in a landscape district, the person seeking to do so shall submit a written application and must receive the mayor of the municipality's certification of the Building plan's conformity to the provisions of the preceding Article. The same shall apply if a person who has received certification for a building plan seeks to alter the plan and carry out the Building, etc., accordingly.

(2) If the mayor of a municipality has received a written application referred to in the preceding paragraph, the mayor of the municipality shall examine the plan for the Building for which the application has been submitted and, if the mayor of the municipality finds based on the results of the examination that the plan conforms to the provisions of the preceding Article, the mayor of the municipality shall issue a certificate of approval to the applicant within thirty days from the day of receipt of the application.

(3) If, having made an examination pursuant to the preceding paragraph, the mayor of a municipality finds that the plan for the Building for which an application has been submitted does not conform to the provisions of the preceding Article, or if there are justifiable grounds for it being impossible to determine whether the plan for the building conforms to the provisions based on the particulars stated in the application, the mayor of the municipality shall issue a written notice describing that result and the reason therefor to the applicant within the period prescribed in the paragraph.

(4) No Building, etc. work (excluding pit excavation and other construction work specified by Cabinet Order; the same shall apply in Article 102, item (iii)) may be done on a Building set forth in paragraph (2) until the certificate of approval referred to in the paragraph is issued.

(5) The formats for a written application prescribed in paragraph (1), a certificate prescribed in paragraph (2), and a written notice prescribed in paragraph (3) are specified by Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism.

(Measures against Buildings in Violation)

Article 64 (1) If a Building is in violation of the provisions of Article 62, the

mayor of the municipality may order the Building, etc. construction manager (meaning the person who carries out the Building, etc., of a Building; the same shall apply hereinafter); the contractor or site manager for the Building, etc., of the Building (including all subcontractors concerned; the same shall apply hereinafter in this chapter); or the owner, manager or occupant of the the Building to suspend the execution of the construction work on the Building or to take measures that are necessary in order to remedy the violation of the provisions, including but not limited to the reconstruction, repair, remodeling, or color change of the Building, specifying a reasonable period of time therefor.

- (2) If a disposition under the preceding paragraph is reached, the mayor of the municipality shall give public notice of this through the display of a sign or otherwise by a means specified by Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism.
- (3) The sign referred to in the preceding paragraph may be installed on the Building subject to the disposition under paragraph (1) or at the site thereof. In this case, no owner, manager, or occupant of the Building subject to the disposition under the paragraph or the site thereof may refuse or interfere with the installation of the sign.
- (4) If the mayor of a municipality seeks to issue an order to take necessary measures pursuant to the provisions of paragraph (1) and is without fault in being unable to ascertain the person that should be ordered to take the measures, and if it is found that the violation left un-remedied is likely to have a significant adverse effect on the public interest, the mayor of the municipality may, at the expense of the person, take the measures or order or commission another party to take the measures. In this case, the mayor of the municipality shall give advance public notice that the person must take the measures within a specified reasonable period, and that if the person does not take the measures within the specified period, the measures will be taken by the mayor of the municipality or a party ordered or commissioned by the mayor of the municipality to do so.
- (5) A person seeking to take the measures prescribed in the preceding paragraph shall carry a certificate of identification and present the same at the request of persons concerned.

(Measures against the Designer, etc. of a Building in Violation)

Article 65 (1) If a disposition under paragraph (1) of the preceding Article is reached, the mayor of the municipality shall report, pursuant to Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism, the name or trade name and the address of the designer, construction supervisor (meaning a person who manages the construction prescribed in Article 2, paragraph (7) of the Act on Architects and Building Engineers (Act No. 202 of 1950); the

same shall apply hereinafter), construction contractor of the Building subject to the disposition, or real estate transaction business operator (meaning a real estate transaction business operator as prescribed 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 a transaction relating to a Building Lots and Buildings Transaction Business (Building Lots and Buildings transaction business prescribed in Article 2, paragraph (2), of the same Act; the same shall apply hereinafter) connected with the Building, and any other matter specified by Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism, to the Minister of Land, Infrastructure, Transport and Tourism or the prefectural governor who supervises each of the foregoing persons pursuant to the provisions of the Act on Architects and Building Engineers, the Construction Business Act (Act No. 100 of 1949), or the Building Lots and Buildings Transaction Business Act, respectively.

- (2) If the Minister of Land, Infrastructure, Transport, and Tourism or a prefectural governor receives a notice under the preceding paragraph, the Minister or the governor shall issue a disposition for the suspension of business under the Act on Architects and Building Engineers, the Construction Business Act, or the Building Lots and Buildings Transaction Business Act, or take other necessary measures against the person with respect to whom the notice has been given, without delay, and shall notify the mayor of the municipality who made the notice pursuant to the paragraph of the results of the measures taken.

(Special Provisions on Procedures for the Certification, etc. of National or Local Government Buildings)

Article 66 (1) The provisions of Article 63 through the preceding Article do not apply to any Building of the national or local government; all national government Buildings and local government Buildings are governed by the provisions of the following paragraph through paragraph (5).

- (2) If the person seeking to carry out the Building, etc. of any Building in a landscape district is a national agency or a local government (hereinafter in this Article referred to as a "National Agency, etc."), the National Agency, etc. shall notify the mayor of the municipality of the plan for the construction work of the Building before the commencement thereof.
- (3) Having received the notice referred to in the preceding paragraph, the mayor of a municipality shall examine the plan for the Building for which the notice was given for conformity to the provisions of Article 62, and, if the mayor of the municipality finds, based on the results of such examination, that the plan conforms to the provisions, the mayor of the municipality shall issue a

certificate of approval to the notifying National Agency, etc., but if the mayor of the municipality finds that the plan does not conform to the provision or if there are justifiable grounds for it being impossible to determine whether the plan conforms to the provisions, the mayor of the municipality shall issue a written notice describing that result and the reason therefor to the notifying National Agency, etc.

- (4) No Building, etc. work (excluding pit excavation and other construction work specified by Cabinet Order) may be done on the Building with respect to which a notice prescribed in paragraph (2) has been made until the certificate of approval referred to in the preceding paragraph is issued.
- (5) If the mayor of a municipality finds that a Building of the national government or a local government violates the provisions of Article 62, the mayor of the municipality shall immediately notify the National Agency etc. responsible for the management of the Building of this and request that necessary measures as prescribed in Article 64, paragraph (1) be taken.

(Relationship with Ordinances)

Article 67 The provisions of Article 63, paragraph (2) and of paragraph (3) of the preceding Article do not preclude a municipality from stipulating any necessary provisions on examination procedures for the certification under such paragraphs by Ordinance, so long as such stipulations do not contravene the provisions of the paragraphs.

(Display, etc. of Certificates at Construction Sites)

Article 68 (1) A builder who does Building, etc. work on a Building in a landscape district shall display the name or trade name of the Building, etc. construction manager, the designer (meaning the person who has prepared design drawings and specifications at his or her own responsibility; the same shall apply hereinafter), the builder (meaning the contractor for the construction of the Building or the person who executes such construction work without entering into a construction contract; the same shall apply hereinafter), and the construction site manager, and the fact that the plan for the work has been certified pursuant to Article 63, paragraph (2), or Article 66, paragraph (3), at a prominent place in the construction site, pursuant to Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism.

- (2) A builder who does Building, etc. work on a Building in a landscape district shall keep a copy of the plan that received the certification under the provisions of Article 63, paragraph (2), or Article 66, paragraph (3), at the construction site.

(Exclusion from Application)

Article 69 (1) The provisions of Article 62 through the preceding Article shall not apply to any of the following Buildings:

- (i) a Building designated as a structure of landscape importance pursuant to the provisions of Article 19, paragraph (1);
 - (ii) a Building designated or provisionally designated as a National Treasure; Important Cultural Property; a Special Historic Site, Special Place of Scenic Beauty, or Special Natural Monument; or a Historic Site, Place of Scenic Beauty, or Natural Monument pursuant to the provisions of the Act on the Protection of Cultural Properties;
 - (iii) a Building located in a traditional buildings preservation district referred to in Article 143, paragraph (1) of the Act on the Protection of Cultural Properties;
 - (iv) a Building that constitutes the recreation of the original form of another Building falling under item (ii), whose recreation the mayor of the municipality finds to be unavoidable;
 - (v) a Building other than what is listed in the preceding items, which has been specified by municipal ordinance as a Building that is not likely to interfere with the formation of a good landscape.
- (2) When a city plan for a landscape district has been formulated or altered, if an existing Building or a Building undergoing Building, etc. work does not conform to the provisions of Article 62 or has a part that does not conform to the provisions of the Article, the provisions of the Article through the preceding Article shall not apply to the Building or the non-conforming part thereof.
- (3) The provisions of the preceding paragraph shall not apply to a Building or part thereof falling under any of the following items:
- (i) a Building or part thereof that was in violation of the provisions of Article 62 before the city plan for the landscape district was altered;
 - (ii) a Building whose extension, reconstruction, or relocation starts after the formulation or alteration of the city plan for the landscape district; or
 - (iii) a part of a Building subject to work to repair or remodel it or work to change its color that alter the appearance of the Building and commence after the formulation or alteration of the city plan for the landscape district.

(Measures against Buildings Not in Conformity with Restrictions on Design Features)

Article 70 (1) If the mayor of a municipality finds that the Design Features of a Building exempted from the application of the provisions of Article 62 through Article 68 pursuant to the provisions of paragraph (2) of the preceding Article materially interfere with the formation of a good landscape in a landscape district, the mayor of the municipality may order the owner, the manager, or

the occupant of the Building to take necessary measures in order to make the Building conform to the restrictions on Design Features prescribed in the city plan, including but not limited to the reconstruction, remodeling, or color change of the Building, setting a reasonable period of time therefor, but only if the consent of the assembly of the municipality has been obtained. In this case, the municipality shall pay compensation at market value for any damage that would normally result from the measures taken.

- (2) If a person who is eligible to receive compensation pursuant to the provisions of the preceding paragraph is dissatisfied with the amount of the compensation, such person may apply to the Expropriation Committee for a determination under Article 94, paragraph (2) of the Compulsory Purchase of Land Act, pursuant to the provisions of Cabinet Order, within one month from the day on which the person received notice of the decision on compensation.

(Reporting and On-site Inspection)

Article 71 (1) The mayor of a municipality may have the owner, manager, or occupant of a Building, the Building, etc. construction manager, the designer, the construction supervisor, or the builder report on the plan or the state of the Building, etc. work on the Building, or may have municipal employees enter the site of the Building or construction site and inspect the Building, construction materials, and any other objects related to the work on the Building.

- (2) A municipal employee who conducts an on-site inspection pursuant to the preceding paragraph shall carry a certificate of identification and present the same at the request of persons concerned.
- (3) The authority for on-site inspections under the provisions of paragraph (1) may not be construed as authority granted for the purpose of a criminal investigation.

Subsection 3 Restrictions on Structures, etc.

(Restrictions on the Design Features of Structures)

Article 72 (1) A municipality may specify, by Ordinance, restrictions on the Design Features of structures in a landscape district, the maximum or minimum height limits, or restrictions on the placement of structures (including those not fixed to the ground; the same shall apply hereinafter in paragraph (4)) in a wall setback area (meaning the area of land between a line indicating the restricted limit of a wall location and the outer boundary of the site where the restriction on wall location is set forth in the city plan for the landscape district; the same shall apply hereinafter in paragraph (4)), in accordance with the criteria specified by Cabinet Order. In this case, in any

Landscape Planning Area covered by a Landscape Plan in which matters equivalent to the foregoing restrictions have been specified, the Ordinance must be formulated so as not to interfere with the formation of a good landscape under the Landscape Plan.

- (2) Ordinance enacted based on the first sentence of the preceding paragraph which specifies restrictions on the Design Features of structures (hereinafter referred to as "Ordinance of Restrictions on Structures in Landscape Districts") may set forth provisions on the certification of plans by the mayor of the municipality, measures to rectify the violations of structures that are in violation, and other measures necessary for the enforcement of the Ordinance, based on the exemplary provisions of Articles 63, 64, 66, 68, and the preceding Article.
- (3) The provisions of the preceding paragraph do not preclude any necessary provisions on examination procedures for certification by the mayor of the municipality from being set forth in Ordinance of Restrictions on Structures in Landscape Districts, so long as such provisions do not contravene the provisions of the Ordinance that have been set forth for such procedures based on the exemplary provisions of Article 63, paragraph (2), and Article 66, paragraph (3) .
- (4) Ordinance of Restrictions on Structures in Landscape Districts which specifies a maximum or minimum height limit or restrictions on the placement of a structure in a wall setback area may set forth provisions on measures to rectify the violations of structures that are in violation and other measures necessary for the enforcement of the Ordinance, based on the exemplary provisions of Article 64 and the preceding Article.
- (5) Ordinance of Restrictions on Structures in Landscape Districts may set forth provisions to the effect that a mayor of a municipality who has issued a disposition equivalent to the disposition prescribed in Article 64, paragraph (1) pursuant to the Ordinance, must report the name or trade name and address of the contractor doing work on the structure that is subject to the disposition and other matters specified by Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism, to the Minister of Land, Infrastructure, Transport, and Tourism or to the prefectural governor who is responsible for the supervision of the contractor pursuant to the provisions of the Construction Business Act.
- (6) If the Minister of Land, Infrastructure, Transport, and Tourism or a prefectural governor receives a notice prescribed in the preceding paragraph pursuant to provisions of Ordinance of Restrictions on Structures in Landscape Districts which are based on the preceding paragraph, the Minister or governor shall issue a disposition for the suspension of business under the Construction Business Act, or take other necessary measures against the contractor with

respect to which the notice has been given, without delay, and shall notify the mayor of the municipality who made the notice of the results of the measures taken.

(Restrictions on Development Activities, etc.)

- Article 73 (1) A municipality may stipulate, by Ordinance, the necessary regulations for the formation of a good landscape, in connection with any development activity as prescribed in Article 4, paragraph (12) of the City Planning Act (hereinafter referred to as "Development Activity" in the following section) and other actions specified by Cabinet Order, in accordance with the criteria specified by Cabinet Order.
- (2) The provisions of Article 51 of the City Planning Act shall apply mutatis mutandis to an objection to a disposition under the provisions of any Ordinance enacted based on the preceding paragraph.

Section 2 Quasi-Landscape Districts

(Designation of Quasi-Landscape Districts)

- Article 74 (1) A municipality may designate an area in a landscape district that is located outside of a City Planning Area or Quasi-City Planning Area, in which a considerable number of Buildings have been built and in which a good landscape has currently been formed, as a Quasi-Landscape District, in order to preserve the landscape of the area.
- (2) Before seeking to designate a Quasi-Landscape District, a municipality shall give public notice of this pursuant to the provisions of Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism, and shall make the proposal for the Quasi-Landscape District area, accompanied by a document stating the reason for the proposed designation, available for public inspection for a period of two weeks from the date of the public notice.
- (3) When the public notice under the preceding paragraph has been given, a resident or interested party may submit a written opinion on the proposal for the Quasi-Landscape District area that is available for public inspection, to the relevant municipality by the end of the inspection period referred to in the same paragraph.
- (4) Before seeking to designate a Quasi-Landscape District pursuant to the provisions of paragraph (1), a municipality shall consult with the prefectural governor, with reference to copies of all written opinions submitted pursuant to the provisions of the preceding paragraph. A town or a village must obtain the consent of the prefectural governor in such a case.
- (5) The designation of a Quasi-Landscape District is made through the issuance of a public notice as prescribed by Ordinance of the Ministry of Land,

Infrastructure, Transport, and Tourism.

- (6) The provisions of the each of the preceding paragraphs shall apply mutatis mutandis to any alteration of a Quasi-Landscape District.

(Regulation of Activities in Quasi-Landscape Districts)

Article 75 (1) A municipality may stipulate, by Ordinance, the necessary regulations for the preservation of a good landscape, in connection with Buildings and structures in a Quasi-Landscape District (excluding stipulating regulations on Buildings through Ordinance enacted based on the provisions of Article 68-9, paragraph (2) of the Building Standards Act), in accordance with the criteria specified by Cabinet Order and in a manner equivalent to the regulations on Buildings and structures in a Landscape District.

- (2) A municipality may stipulate, by Ordinance, the necessary regulations for the preservation of a good landscape, in connection with Development Activity in a Quasi-Landscape District or any other action specified by Cabinet Order, in accordance with the criteria specified by Cabinet Order.

- (3) The provisions of Article 51 of the City Planning Act shall apply mutatis mutandis to an objection to a disposition under the provisions of any Ordinance enacted based on the provisions of preceding paragraph.

Section 3 Restrictions on the Design Features of Buildings, etc., in Areas Covered by District Plans, etc.

Article 76 (1) A municipality may stipulate, by Ordinance and in accordance with the criteria specified by Cabinet Order, that the Design Features of Buildings and structures in an area covered by a district plan, etc. (limited to an area for which restrictions on the Design Features of Buildings or structures (hereinafter in this Article referred to as "Buildings, etc.") have been stipulated in a district development plan, district development plan for specified buildings, district development plan for disaster prevention zone development, district development plan for the maintenance and enhancement of historic scenery, roadside district development plan, or rural district development plan) must comply with the restrictions on the Design Features of Buildings, etc. that have been stipulated in the district plan, etc.

- (2) Restrictions under the provisions of the preceding paragraph must be stipulated to the extent found reasonably necessary for the formation of a good landscape that is appropriate for the characteristics of the area covered by the relevant district plan, etc., in consideration of factors such as of the necessity of Buildings, etc. from the perspective of their use, and land use status in the relevant area.

- (3) Ordinance enacted based on the provisions of paragraph (1) (hereinafter

referred to as an "Ordinance on Design Features in District Plans, etc.") may stipulate provisions on the certification of plans by the mayor of the municipality, measures to rectify the violation of a Building or structure that is in violation, and other measures necessary for the enforcement of the Ordinance, based on the exemplary provisions of Articles 63, 64, 66, 68, and 71.

- (4) The provisions of the preceding paragraph do not preclude any necessary provisions on examination procedures for certification by the mayor of the municipality from being set forth in Ordinance on Design Features in District Plans, etc., so long as such provisions do not contravene the provisions of the Ordinance that have been set forth for such procedures based on the exemplary provisions of Article 63, paragraph (2), and Article 66, paragraph (3).
- (5) Ordinance on Design Features in District Plans, etc. may set forth provisions to the effect that a mayor of a municipality who has issued a disposition equivalent to the disposition prescribed in Article 64, paragraph (1) pursuant to the Ordinance must report the name or trade name and address of the designer, construction supervisor, or construction contractor of the Building subject to the disposition or the real estate transaction business operator engaged in a transaction relating to a Building Lots and Buildings Transaction Business involving the Building, and other matters specified by an Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism, to the Minister of Land, Infrastructure, Transport, and Tourism or the prefectural governor who is responsible for the supervision of the foregoing persons pursuant to the provisions of the Act on Architects and Building Engineers, the Construction Business Act, or the Building Lots and Buildings Transaction Business Act, if the disposition relates to the Building, etc., of a Building; or that such mayor must report the name or trade name and address of the contractor engaged in the Construction, etc. of the structure subject to the disposition and other matters specified by an Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism to the Minister of Land, Infrastructure, Transport, and Tourism or the prefectural governor who is responsible for the supervision of the contractor pursuant to the provisions of the Construction Business Act, if the disposition relates to the Construction, etc. of a structure.
- (6) If the Minister of Land, Infrastructure, Transport, and Tourism or a prefectural governor receives a notice prescribed in the preceding paragraph pursuant to the provisions of Ordinance on Design Features in District Plans, etc. which are based on the provisions of the preceding paragraph, the Minister or governor shall issue a disposition for the suspension of business under the Act on Architects and Building Engineers, the Construction Business Act, or the Building Lots and Buildings Transaction Business Act, or take other necessary measures against the person with respect to whom the notice has

been given, without delay, and shall notify the mayor of the municipality who made the notice of the results of the measures taken.

Section 4 Miscellaneous Provisions

(Relaxation of Restrictions for Temporary Buildings or Temporary Structures)

Article 77 (1) In the event of an extraordinary disaster, in the area affected by the disaster and adjoining areas specified by the mayor of the municipality, the provisions of this Chapter do not apply to the emergency repair of Buildings or structures damaged by the disaster, to the Building, etc. of emergency temporary Buildings, or to the Construction, etc. or installation of emergency temporary structures falling under any of the items listed below that starts within one month after the day the disaster occurred:

- (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 with a total floor area not exceeding the size specified by Cabinet Order whose Building, etc. is carried out by a person affected by a disaster for his or her own use.
- (2) The provisions of this chapter do not apply to railway stations, public offices, and any other similar emergency temporary Buildings or emergency temporary structures that serve a necessary role in the public interest, nor to offices, construction sheds, material yards, and other similar temporary Buildings or structures set up at construction sites for the purpose of construction work, whose Building, etc., Construction, etc., or installation is carried out when there has been a disaster.
- (3) If 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 preceding two paragraphs seeks to preserve the Building or structure beyond three months after the completion thereof without being subject to the application of the provisions of this Chapter, the person must obtain permission from the mayor of the municipality before three months have elapsed after its completion; provided, however, that if an application for the permission has been made but no disposition has been reached in response to such application before three months have elapsed after its completion, the Building or structure may be preserved without being subject to the application of the provisions of this Chapter until the disposition has been reached.
- (4) If an application for the permission referred to in the preceding paragraph has been filed and the mayor of the municipality finds that this does not materially interfere with the formation of a good landscape, the mayor of the

municipality may grant such permission for a period of up to two years.

- (5) If an application for the permission referred to in paragraph (3) has been filed and the mayor of the municipality finds this to be necessary for the formation of a good landscape, the mayor of the municipality may attach any necessary conditions to such permission.

(Recommendation, Advice, or Assistance by the Minister of the Land, Infrastructure and Transport and Prefectural Governors)

Article 78 (1) A mayor of a municipality may seek necessary advice or assistance from the prefectural governor or the Minister of Land, Infrastructure, Transport, and Tourism with regard to the application of the provisions of this Chapter.

- (2) The Minister of Land, Infrastructure, Transport, and Tourism and the prefectural governor may provide the mayor of a municipality with the necessary recommendations, advice, or assistance with regard to the application of the provisions of this Chapter.

(Instructions, etc. to the Mayor of a Municipality)

Article 79 (1) If the mayor of a municipality violates any of the provisions of this Chapter or provisions of any Order based on the provisions, or if such mayor fails to render a disposition based on these provisions, and the Minister of Land, Infrastructure, Transport, and Tourism finds it to be necessary in connection with any Building that is greatly related to the national interest, the Minister may instruct the mayor of the municipality to take any necessary measures within a period of time specified by the Minister.

- (2) Unless there are justifiable grounds for not doing so, the mayor of a municipality shall comply with instructions that the Minister of Land, Infrastructure, Transport, and Tourism gives pursuant to the provisions of the preceding paragraph.
- (3) If the mayor of a municipality does not comply with the instructions under paragraph (1) within the specified period of time and is without justifiable grounds for not doing so, the Minister of Land, Infrastructure, Transport, and Tourism may himself or herself take the necessary measures under the instructions upon obtaining confirmation of the nonexistence of justifiable grounds from the Infrastructure Development Council.

(Inspection of Documents)

Article 80 The mayor of a municipality shall make documents concerning the certification prescribed in of Article 63, paragraph (1) or any other disposition pursuant to the provisions of this Chapter and the provisions of any Order or Ordinance based on the provisions of this Chapter that are specified by

Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism available for inspection when requested, as prescribed by Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism.

Chapter IV Landscape Agreements

(Conclusion, etc of a Landscape Agreement)

Article 81 (1) The owners and leaseholders of a group of lands (excluding lands used for public facilities and other land plots specified by Cabinet Order) in a Landscape Planning Area (or, for lands designated as provisional replotting areas pursuant to the provisions of Article 98, paragraph (1) of the Land Readjustment Act (Act No. 119 of 1954) (including as applied mutatis mutandis under Article 83 of the Act on Special Measures concerning Promotion of Supply of Houses and Housing Lands in Urban Districts (Act No. 67 of 1975; hereinafter referred to as the "Metropolitan Housing, etc. Supply Act"); the same shall apply hereinafter in this Chapter), the owners and the leaseholders of the original lands corresponding to the relevant provisional replotting areas; hereinafter in this Chapter referred to as "Landowners") may conclude an agreement concerning the formation of a good landscape in the relevant area of land (hereinafter referred to as a "Landscape Agreement") with the agreement of all of the Landowners; however, if a Land Lease Right has been established on land that is within the area of land (or on the original land corresponding to the relevant provisional replotting area for land designated as a provisional replotting area pursuant to the provisions of Article 98, paragraph (1) of the Land Readjustment Act), the consent of the owner of the relevant land on which the Land Lease Right has been established is not required.

(2) A Landscape Agreement must stipulate the following matters:

- (i) the area of land subject to the Landscape Agreement (hereinafter referred to as the "Area Under the Landscape Agreement");
- (ii) matters necessary for the formation of a good landscape, among those listed below:
 - (a) criteria for the Design Features of Buildings;
 - (b) criteria for the site, location, size, structure, intended use, or building equipment of Buildings;
 - (c) criteria for the location, size, structure, intended use, or Design Features of structures;
 - (d) matters involved in the conservation of woodlands, grasslands, etc. or greening;
 - (e) criteria for the display of Outdoor Advertisements and the installation of objects on which Outdoor Advertisements are placed;
 - (f) matters involved in the conservation or use of agricultural lands;

- (g) any other matters involved in the formation of a good landscape.
 - (iii) the valid period of the Landscape Agreement;
 - (iv) measures against violation of the Landscape Agreement.
- (3) In addition to what is listed in the items of the preceding paragraph, a Landscape Agreement may stipulate an area of land adjacent to the Area Under the Landscape Agreement within a Landscape Planning Area, that the Landowners of the relevant Area Under the Landscape Agreement wish to include in the Area Under the Landscape Agreement so as to contribute to the formation of a better landscape (hereinafter referred to as the "Vicinity of the Area Under the Landscape Agreement").
- (4) A Landscape Agreement must be approved by the head of the Landscape Administration Body.

(Public Inspection, etc. of a Landscape Agreement in Connection with an Application for Approval)

Article 82 (1) When an application has been filed for the approval of a Landscape Agreement under paragraph (4) of the preceding Article, the head of the Landscape Administration Body shall give public notice of this, and shall make the relevant Landscape Agreement available for inspection by the persons concerned for two weeks from the day of the public notice, pursuant to Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism or the Ministry of Agriculture, Forestry and Fisheries.

- (2) If the public notice under the preceding paragraph has been given, any person concerned may submit a written opinion on the relevant Landscape Agreement to the head of the Landscape Administration Body by the end of the inspection period referred to in the paragraph.

(Approval of a Landscape Agreement)

Article 83 (1) If an application for the approval of a Landscape Agreement under Article 81, paragraph (4) satisfies all of the following items, the head of the Landscape Administration Body shall approve the relevant Landscape Agreement:

- (i) the application procedures do 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 Article 81 paragraph (2) (if the Vicinity of the Area Under the Landscape Agreement is stipulated in the relevant Landscape Agreement, including matters related to the relevant Vicinity of the Area Under the Landscape Agreement) conform to the criteria specified by Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism or the Ministry of Agriculture, Forestry and Fisheries.
- (2) If the head of a Landscape Administration Body that is a municipality

without a district construction surveyor prescribed in Article 4, paragraph (1) of the Building Standards Act seeks to grant the approval under the preceding paragraph for a Landscape Agreement stipulating matters listed in Article 81, paragraph (2), item (ii), (b), the head of the Landscape Administration Body shall consult with the prefectural governor, with reference to copies of all written opinions submitted pursuant to the provisions of paragraph (2) of the preceding Article.

- (3) When the head of a Landscape Administration Body has granted the approval under paragraph (1), the head of the Landscape Administration Body shall give public notice of this as prescribed by Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism or the Ministry of Agriculture, Forestry and Fisheries, make a copy of the relevant Landscape Agreement available at the office of the relevant Landscape Administration Body for public inspection, and clearly indicate in the relevant area that the area is an Area Under a Landscape Agreement.

(Alteration of a Landscape Agreement)

- Article 84 (1) If the Landowners in an Area Under a Landscape Agreement (excluding any person who is not bound by the relevant Landscape Agreement) seek to alter any of the matters stipulated in the Landscape Agreement, the Landowners must determine this with the agreement of all of the Landowners and obtain the approval of the head of the Landscape Administration Body.
- (2) The provisions of the preceding two Articles shall apply mutatis mutandis to the approval for an alteration referred to in the preceding paragraph.

(Exclusion from an Area Under a Landscape Agreement)

- Article 85 (1) If a Land Lease Right extinguishes on all or a part of the land in an Area Under a Landscape Agreement (or, for land designated as a provisional replotting area pursuant to the provisions of Article 98, paragraph (1) of the Land Readjustment Act, the original land corresponding to the replotting area) that is owned by a person who is not bound by the relevant Landscape Agreement, the land subject to that the relevant extinguished Right of Lease (or, for the original land corresponding to the relevant land designated as a provisional replotting area pursuant to the provisions of the same paragraph, the land designated as a provisional replotting area for the original land) is excluded from the Area Under the Landscape Agreement.
- (2) If the land in an Area Under a Landscape Agreement which has been designated as a provisional replotting area pursuant to the provisions of Article 98, paragraph (1) of the Land Readjustment Act, has not been set forth in a replotting plan prescribed in Article 86, paragraph (1) of the same Act or a replotting plan prescribed in Article 72, paragraph (1) of the Metropolitan

Housing, etc. Supply Act as a replotting area for the original land that corresponds to it, and if it also has not been set forth as a land for which, pursuant to the provisions of Article 91 paragraph (3) of the Land Readjustment Act (including as applied mutatis mutandis pursuant to Article 82 of the Metropolitan Housing, etc. Supply Act), it has been prescribed that a common share will be given to the owners of the original land that correspond to the relevant land, the relevant land is excluded from the relevant Area Under the Landscape Agreement at the end of the day of public notice prescribed in Article 103, paragraph (4) of the Land Readjustment Act (including as applied mutatis mutandis pursuant to Article 83 of the Metropolitan Housing, etc. Supply Act).

- (3) If the land in an Area Under a Landscape Agreement has been excluded from the relevant Area Under the Landscape Agreement pursuant to the provisions of the preceding two paragraphs, the former holders of the relevant Land Lease Right or the Landowners of the original land corresponding to the land that used to be designated as the relevant provisional replotting area (excluding persons who are not bound by the relevant Landscape Agreement) shall without delay submit a notification of this to the head of the Landscape Administration Body.
- (4) The provisions of Article 83, paragraph (3) shall apply mutatis mutandis when a notification under the preceding paragraph is submitted or when the head of a Landscape Administration Body otherwise comes to know that the land has been excluded from the relevant Area Under a Landscape Agreement pursuant to the provisions of paragraph (1) or (2).

(Validity of a Landscape Agreement)

Article 86 A Landscape Agreement for which a public notice has been given of the approval under Article 83, paragraph (3) (including as applied mutatis mutandis pursuant to Article 84, paragraph (2)) is in effect against any person who becomes a Landowner (excluding any person who succeeds to the ownership of the land previously owned by a person who did not give the agreement under Article 81, paragraph (1), or Article 84, paragraph (1) for the relevant Landscape Agreement) of the land in the relevant Area Under the Landscape Agreement after the issuance of the public notice.

(Procedures, etc. for Entering a Landscape Agreement after a Public Notice of Approval)

Article 87 (1) An owner of the land in an Area Under a Landscape Agreement (or, for the land designated as a provisional replotting area pursuant to the provisions of Article 98, paragraph (1) of the Land Readjustment Act, the owner of the original land that corresponds to the relevant replotting area) who

- is not bound by the relevant Landscape Agreement may become a party to the relevant Landscape Agreement by indicating his or her intention to do so in writing to the head of the Landscape Administration Body at any time after the issuance of the public notice of the approval under Article 83, paragraph (3) (including as applied mutatis mutandis pursuant to Article 84, paragraph (2)).
- (2) The Landowners, etc. of the land in the Vicinity of the Area Under the Landscape Agreement may become party to the Landscape Agreement, with the agreement of all of the Landowners of the land, by indicating their intention to do so in writing to the head of the Landscape Administration Body at any time after the issuance of the public notice of the approval under Article 83, paragraph (3) (including as applied mutatis mutandis pursuant to Article 84, paragraph (2)); however, if a Land Lease Right has been established on the land that is within the area of the relevant land (or on the original land corresponding to a provisional replotting area for the land designated as a provisional replotting area pursuant to the provisions of Article 98, paragraph (1) of the Land Readjustment Act), the consent of the owner of the land on which the Land Lease Right has been established is not required.
- (3) The land in the Vicinity of the Area Under the Landscape Agreement with respect to which the Landowner, etc. has indicated the intention referred to in the preceding paragraph becomes a part of the Area Under the Landscape Agreement after the indication of the intention.
- (4) The provisions of Article 83, paragraph (3) apply mutatis mutandis when the indication of the intention under paragraph (1) or paragraph (2) has been made.
- (5) A Landscape Agreement is in effect against any person who, after the issuance of the public notice under Article 83, paragraph (3) as applied mutatis mutandis pursuant to the preceding paragraph, has become the Landowner, etc. of the land (excluding a person who has succeeded to the ownership of the land previously owned by a person who did not give the agreement under paragraph (2) for the Landscape Agreement, and a person to whom the provisions of the preceding Article apply) in the Area Under the Landscape Agreement that a person who became a party to the relevant Landscape Agreement pursuant to paragraphs (1) and (2) owned or held a Land Lease Right in at the time such person became a party to the relevant Landscape Agreement (or of the original land corresponding to the land designated as a provisional replotting area under the provisions of Article 98, paragraph (1) of the Land Readjustment Act).

(Termination of a Landscape Agreement)

Article 88 (1) If the Landowners, etc. in an Area Under a Landscape Agreement (excluding persons who are not bound by the relevant Landscape Agreement) seek to terminate the Landscape Agreement for which the approval referred to

in Article 81, paragraph (4) or Article 84, paragraph (1) has been made, the Landowners, etc. must determine this by the agreement of a simple majority of the Landowners, etc. and obtain the approval of the head of the Landscape Administration Body.

- (2) When the head of a Landscape Administration Body grants the approval referred to in the preceding paragraph, the head of the Landscape Administration Body shall give public notice of this.

(Treatment of Co-owners, etc. of Land)

Article 89 If a land or a Land Lease Right belongs to more than one person, with regard to the application of the provisions of Article 81, paragraph (1), Article 84, paragraph (1), Article 87, paragraphs (1) and (2), and paragraph (1) of the preceding Article, all co-owners shall be deemed to jointly constitute a single owner or a single holder of the Land Lease Right.

(Establishment of a Landscape Agreement by a Single Owner)

Article 90 (1) If there are no Landowners other than a single owner for a group of lands (excluding any land specified by Cabinet Order pursuant to Article 81, paragraph (1)) in a Landscape Planning Area, and the single owner finds it necessary for the formation of a good landscape, the single owner may conclude a Landscape Agreement to make the area of the relevant land an Area Under a Landscape Agreement with the approval of the head of the Landscape Administration Body.

- (2) The head of a Landscape Administration Body shall approve a Landscape Agreement under the provisions of the preceding paragraph only when the head of the Landscape Administration Body finds that the application for the approval of the Landscape Agreement satisfies all of the items of Article 83, paragraph (1) and that the Landscape Agreement is necessary for the formation of a good landscape.
- (3) The provisions of Article 83, paragraphs (2) and (3) apply mutatis mutandis to an approval under the provisions of the preceding paragraph.
- (4) If there come to be two or more Landowners, etc. of the land in an Area Under a Landscape Agreement that has been approved pursuant to paragraph (2) within three years from the day of the approval, the Landscape Agreement comes to have the same validity as a Landscape Agreement for which public notice has been given of the approval under the provisions of Article 83, paragraph (3).

(Position of a Lessee, etc.)

Article 91 (1) If any of the matters stipulated in a Landscape Agreement involves the authority of a lessee of a Building or a structure, the lessee of the

relevant Building or the relevant structure is deemed to be a Landowner, etc., and the provisions of this Chapter apply to the Landscape Agreement.

- (2) If any matter involving the conservation or the use of an agricultural land is stipulated in a Landscape Agreement, a person who holds any right to use or profit from the land, including but not limited to a right of superficies, emphyteusis, right of pledge, right of lease, or right created through a loan for its use, is deemed to be a Landowner, etc., and the provisions of this Chapter apply to the Landscape Agreement.

Chapter V Landscape Development Organizations

(Designation)

- Article 92 (1) The head of a Landscape Administration Body may designate a general incorporated association or a general incorporated foundation, or a specified nonprofit organization under Article 2, paragraph (2) of the Act on Promotion of Specified Nonprofit Activities that is found by the head of the Landscape Administration Body to be capable of properly and reliably performing the duties prescribed in the following Article, as a Landscape Development Organization (hereinafter referred to as an "Organization") at the request of the foregoing association, foundation, or organization.
- (2) When the head of a Landscape Administration Body has made a designation under the preceding paragraph, the head of the Landscape Administration Body shall give public notice of the name, address, and office location of the relevant Organization.
- (3) Before seeking to change its name, address, or office location, the Organization shall submit a notification of this to the head of the Landscape Administration Body.
- (4) When a notification under the preceding paragraph has been made, the head of the Landscape Administration Body shall give public notice of the matters in the relevant notification.

(Duties of an Organization)

Article 93 An Organization shall perform the following duties:

- (i) the provision of assistance to a person who conducts business related to the formation of a good landscape, including but not limited to dispatch of persons with knowledge on the relevant business, provision of information, and consultation;
- (ii) management of structures of landscape importance or trees of landscape importance, based on a Management Agreement;
- (iii) the implementation of or participation in the business of a plaza or other Public Facilities that is integrated with a structure of landscape importance

- to form a good landscape, or the business of a Public Facility of Landscape Importance specified in a Landscape Plan;
- (iv) the acquisition, management, and assignment of a land specified by Cabinet Order which can be utilized for the business prescribed in the preceding item;
- (v) agricultural work conducted on commission, so that a land in an area referred to in Article 55, paragraph (2), item (i) is used in accordance with a landscape-oriented agricultural promotion region development plan, acquisition of rights to such land, and management of such land;
- (vi) surveys and research on the formation of good landscapes;
- (vii) duties or tasks that are necessary for the promotion of the formation of good landscapes, other than what is set forth in each of the preceding items.

(Special Provisions on the Act on Advancement of Expansion of Public Lands as Regards the Duties of the Organization)

Article 94 The provisions of Article 4, paragraph (1) of the Act on Advancement of Expansion of Public Lands (Act No. 66 of 1972) do not apply to a person who seeks to assign a plot of land prescribed in the paragraph at a cost to an Organization for the use in any of the duties listed in item (iv) of the preceding Article.

(Supervision, etc.)

Article 95 (1) If the head of a Landscape Administration Body finds it necessary for ensuring the proper and reliable performance of any of the duties listed in each item of Article 93, the head of the Landscape Administration Body may have an Organization report on such duties.

(2) If the head of a Landscape Administration Body finds that an Organization is not performing any of the duties listed in the items of Article 93 properly and reliably, the head of the Landscape Administration Body may order the Organization to take any measures necessary for the improvement of the performance of such duties.

(3) If an Organization violates an order under the preceding paragraph, the head of the Landscape Administration Body may cancel the Organization's designation under the provisions of Article 92, paragraph (1).

(4) If the head of a Landscape Administration Body has canceled a designation pursuant to the provisions of the preceding paragraph, the head of the Landscape Administration Body shall give public notice of this.

(Provision, etc. of Information)

Article 96 The national government and the local government shall provide an Organization with the information, guidance, or advice necessary for the

performance of its duties.

Chapter VI Miscellaneous Provisions

(Delegation of Authority)

Article 97 The authority of the Minister of Land, Infrastructure, Transport, and Tourism as set forth in this Act may be delegated, in part, to the Regional Development Bureau Director General or the Hokkaido Development Bureau Director General, as prescribed by Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism.

(Execution of Landscape Administration Duties by Municipalities)

Article 98 (1) A municipality other than a Designated City or a Core City may execute the Landscape Administration Duties in its municipal area on behalf of the prefecture.

(2) Before seeking to execute Landscape Administration Duties pursuant to the provisions of the preceding paragraph, the mayor of the municipality must consult with the prefectural governor about the executing of such duties.

(3) A municipality whose mayor has consulted pursuant to the provisions of the preceding paragraph shall give public notice of this no later than thirty days before it begins to execute the Landscape Administration Duties, as prescribed by Ordinance of the Ministry of Land, Infrastructure, Transport, and Tourism, the Ministry of Agriculture, Forestry and Fisheries, or the Ministry of the Environment.

(Delegation to Cabinet Order)

Article 99 Matters necessary for the implementation of this Act other than those set forth in this Act are prescribed by Cabinet Order.

(Transitional Measures)

Article 100 If an Order is enacted, revised, or abolished pursuant to the provisions of this Act, necessary transitional measures (including transitional measures for penal provisions) may be stipulated in the Order to the extent reasonably necessary for the enactment, revision, or abolition thereof.

Chapter VII Penal Provisions

Article 101 Any person who violates the order of the head of a Landscape Administration Body under the provisions of Article 17, paragraph (5) or the order of the mayor of a municipality under the provisions of Article 64, paragraph (1) shall be punished by imprisonment with work of not more than

one year or a fine of not more than five hundred thousand yen.

Article 102 Any person falling under any of the following items shall be punished by a fine of not more than five hundred thousand yen:

- (i) any person who has violated the order of the head of a Landscape Administration Body under the provisions of Article 17, paragraph (1) or a person who has violated the order of the mayor of a municipality under the provisions of Article 70, paragraph (1);
- (ii) any person who, in violation of the provisions of Article 63, paragraph (1), has failed to submit an application or has submitted a false application;
- (iii) any person who has carried out construction such as building, etc. of a Building in violation of the provisions of Article 63, paragraph (4); or
- (iv) any person who has preserved an emergency temporary Building or an emergency temporary structure in violation of the provisions of Article 77, paragraph (3).

Article 103 Any person falling under any of the following items shall be punished by a fine of not more than three hundred thousand yen:

- (i) any person who, in violation of the provisions of Article 16, paragraph (1) or (2), has failed to submit a notification or has submitted a false notification;
- (ii) any person who has failed to make a report pursuant to the provisions of Article 17, paragraph (7), or Article 71, paragraph (1), or who has made a false report;
- (iii) any person who has refused, interfered with, or evaded an on-site inspection or on-site investigation pursuant to the provisions of Article 17, paragraph (7), or an on-site inspection pursuant to the provisions of Article 71, paragraph (1);
- (iv) any person who has started an action related to a notification in violation of the provisions of Article 18, paragraph (1)
- (v) any person who has performed any action in violation of the provisions of Article 22, paragraph (1) or Article 31, paragraph (1);
- (vi) any person who has violated any of the conditions attached to a permission under the provisions of Article 22, paragraph (3) (including as applied mutatis mutandis pursuant to the provisions of Article 31, paragraph (2));
- (vii) any person who has violated the order of the head of a Landscape Administration Body under the provisions of Article 23, paragraph (1) (including as applied mutatis mutandis pursuant to Article 32, paragraph (1)); or
- (viii) any person who, in violation of the provisions of Article 68, has failed to indicate the fact of the certification or failed to keep a copy of the certified plan.

Article 104 If the representative of a juridical person, or the agent, the employee, or any other worker of a juridical person or individual has committed a violation referred to in the preceding two Articles in connection with the business of the juridical person or individual, in addition to the offender being punished, the juridical person or individual shall be liable to a fine set forth in each Article.

Article 105 Any person who has violated the order of the head of a Landscape Administration Body under the provisions of Article 26 or 34 shall be punished by a non-penal fine of not more than three hundred thousand yen.

Article 106 Any person who has failed to make a report as prescribed in Article 45 or who has made a false report shall be punished by a non-penal fine of not more than two hundred thousand yen.

Article 107 Any person who, in violation of the provisions of Article 43, has failed to make a notification or has made a false notification shall be punished by a non-penal fine of not more than fifty thousand yen.

Article 108 Ordinance enacted based on the provisions of Article 72, paragraph (1), Article 73, paragraph (1), Article 75, paragraph (1) or paragraph (2), or Article 76, paragraph (1), may include provisions to the effect that any person who has violated any of the provisions shall be punished by a fine of not more than five hundred thousand yen.