

Building Standards Act (Tentative translation)

(Act No. 201 of May 24, 1950)

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Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to safeguard the life, health, and property of people by providing minimum standards concerning the site, construction, equipment, and use of buildings, and thereby to contribute to the furtherance of the public welfare.

(Definition of Terms)

Article 2 In this Act, the meaning of the terms set forth in the following items shall be as defined in each item concerned:

- (i) buildings: Structures fixed on the ground having roofs, and columns or walls (including structures of similar construction); gates or fences attached thereto; structures used as grand-stands; or structures used as offices, stores, play houses, warehouses or other facilities similar thereto established in underground or elevated structures (excluding those facilities which are provided within the site of a railway or tramway for the operation and maintenance thereof, and over bridges, platform sheds, storage tanks and other facilities similar thereto). Building equipment shall be considered as part of a building;
- (ii) special buildings: Schools (including special training colleges and miscellaneous schools; hereinafter the same), gymnasium, hospitals, theaters, grand-stands, assembly halls, exhibition halls, department stores, markets, dance halls, amusement halls, public bathhouses, hotels/inns, apartment houses, dormitories, boarding houses, factories, warehouses, automobile garages, storage facilities for hazardous materials, slaughter houses, crematoria, waste disposal plants or other buildings for use similar thereto;
- (iii) building equipment: Facilities provided in or on a building for the purpose of electricity supply, gas supply, water supply, drainage, ventilation, heating, cooling, fire extinguishing, smoke exhaust, or waste disposal, or chimneys,

- elevatory system or lightning rods;
- (iv) habitable rooms: Rooms as are used continuously for living, conducting office or other work, meetings, entertainment, or other purposes similar thereto;
 - (v) principal building parts: Walls, columns, floors, beams, roofs, or stairs of buildings excluding those parts thereof which are not important from structural viewpoints such as partition walls, studs, attached columns, removable floor boards, the floors of the lowest floor or basement, revolving stage boards, small beams, pent roofs, small stairs for local use, outside stairs, and any other parts of buildings similar thereto;
 - (vi) parts liable to catch fire: Parts of a building within a distance of 3 meters or less, for the first floor, or 5 meters or less, for the second or higher floors, from the boundary line with the adjacent land lot, the center line of the road, or the center line (referred to as the "boundary line of the adjacent land lot, etc." in (b)) between exterior walls of two or more buildings on the same site (buildings with an aggregate of total floor areas not exceeding 500 square meters shall be regarded as one building). Provided, however, the parts under either (a) or (b), below shall be excluded:
 - (a) parts facing an open space, such as a park or a public square, or those that face a body of water, such as a river, which is effective from the viewpoint of fire prevention, or a wall of fire-resistive construction, or anything similar thereto;
 - (b) parts specified by the Minister of Land, Infrastructure, Transport and Tourism, according to the angle formed by the part of the exterior walls of a building and the boundary line of the adjacent land lot, etc., as those of which combustion is unlikely to be caused under the effects of heat during a normal fire that starts in the area surrounding the relevant building.
 - (vii) fire-resistive construction: The type of construction for walls, columns, floors and other parts of a building which conforms to technical criteria established by Cabinet Order concerning fire-resistive performance (performance required for the relevant parts of buildings to prevent a normal fire from causing both the collapse of the building and the spread of fire until the end of the relevant normal fire), such as reinforced concrete structure and brick structure and which uses construction methods established by the Minister of Land, Infrastructure, Transport and Tourism or which was approved by the Minister;
 - (vii)-2 quasi Fire-resistive construction: The type of construction for walls, columns, floors and other parts of a building which conforms to technical criteria established by Cabinet Order concerning quasi fire-resistive performance (performance required for the relevant parts of buildings to restrict the spread of a normal fire; the same in item (ix)-3, (b)) and which

uses construction methods established by the Minister of Land, Infrastructure, Transport and Tourism or which was approved by the Minister;

- (viii) fire preventive construction: The type of construction for exterior walls and soffits of a building which conforms to technical criteria established by Cabinet Order concerning fire preventive performance (performance required for an exterior wall or soffit to restrict the spread of a normal fire that starts in the area surrounding a building), such as metal lath with mortar finish, plaster finish or other construction methods and which uses construction methods established by the Minister of Land, Infrastructure, Transport and Tourism or which is approved by the Minister;
- (ix) noncombustible materials: Building materials which conform to technical criteria established by Cabinet Order concerning noncombustibility (performance specified by Cabinet Order, such as performance required for a material that prevents its combustion under the effects of heat during a normal fire and other performance) and which were specified by the Minister of Land, Infrastructure, Transport and Tourism or which were approved by the Minister;
- (ix)-2 fire-resistive buildings: Buildings that conform to the following criteria:
 - (a) buildings of which principal building parts come under either 1. or 2. Below;
 - 1. those which are of fire-resistive construction;
 - 2. those which conform to technical criteria specified by Cabinet Order concerning the following performances (in the case of principal building parts other than exterior walls, only the performance set forth in i.):
 - i. those which can withstand the heat of a fire predicted to occur inside the building according to the construction, building equipment, and use of the relevant building until the end of the relevant fire;
 - ii. those which can withstand the heat of a normal fire occurring in the area surrounding the relevant building until the end of the relevant fire.
 - (b) buildings which have fire doors or other opening protective assembly specified by Cabinet Order (limited to equipment of which construction conforms to technical criteria established by Cabinet Order concerning flame blocking performance (performance of opening protective assembly necessary to block flames effectively during a normal fire, the same in Article 27, paragraph (1)), and use construction methods established by the Minister of Land, Infrastructure, Transport and Tourism or which were approved by the Minister) at those parts liable to catch fire of openings in exterior walls.

- (ix)-3 quasi fire-resistive buildings: Buildings other than fire-resistive buildings and which come under either (a) or (b), and which have opening protective assembly provided for in (b) in the preceding item at those parts liable to catch fire of openings in exterior walls;
 - (a) buildings of which principal building parts are of quasi fire-resistive construction;
 - (b) buildings other than those set forth in (a), which conform to technical criteria established by Cabinet Order as having quasi fire-resistive performance equivalent to that of those set forth in (a) concerning fire safety measures for principal building parts and other items.
- (x) design: A design provided for in Article 2, paragraph (6) of the Act on Architects and Building Engineers (Act No. 202 of 1950);
- (xi) a person who conducts construction administration: A person who conducts construction administration provided for in Article 2, paragraph (8) of the Act on Architects and Building Engineers;
- (xii) drawings/specifications: Drawings (excluding full size drawings and other drawings similar thereto) and specifications for construction work for a building or its site, or a structure as provided for in Article 88, paragraphs (1) through (3);
- (xiii) construction: To newly construct, add, rebuild, or relocate a building;
- (xiv) major repair: Repair of a building to one or more of the principal building parts thereof exceeding 50% of all the parts of the same principal building parts;
- (xv) major remodeling: Remodeling of a building to one or more of the principal building parts thereof exceeding 50% of all the parts of the same principal building parts;
- (xvi) building owner: A person ordering construction work for a building by contract, or a person undertaking construction work oneself without making a contract therefor;
- (xvii) designer: A person who has drafted drawings/specifications under such person's own responsibility; and shall include a Structural Design 1st-class Kenchikushi (refers to Structural Design 1st-class Kenchikushi provided for in Article 20-2-2, paragraph (4) of the Act on Architects and Building Engineers; the same in Article 5-6, paragraph (2) and Article 6, paragraph (3), item (ii)) and an MEP design 1st-class Kenchikushi (refers to MEP Design 1st-class Kenchikushi specified in Article 10-2-2, paragraph (4) of the same Act; the same in Article 5-6, paragraph (3) and Article 6, paragraph (3), item (iii)) who have confirmed, pursuant to the provisions of Article 20-2, paragraph (3) or Article 20-3, paragraph (3) of the same Act, that the building conforms to structure-related provisions (refers to structure-related provisions specified in Article 20-2, paragraph (2) of the same Act; the same

- in Article 5-6, paragraph (2) and Article 6, paragraph (3), item (ii)) and to MEP-related provisions (refers to MEP-related provisions specified in Article 20-3, paragraph (2) of the same Act; the same in Article 5-6, paragraph (3) and Article 6, paragraph (3) item (iii));
- (xviii) executor of construction work: A contractor of construction work for a building, its site, or a structure as provided for in Article 88, paragraphs (1) through (3), or a person undertaking that construction work oneself without making a contract therefor;
- (xix) city planning: City planning as provided for in Article 4, paragraph (1) of the City Planning Act (Act No. 100 of 1968);
- (xx) city Planning Area or Quasi-city Planning Area: A City Planning Area or Quasi-city Planning Area as provided for in Article 4, paragraph (2) of the City Planning Act;
- (xxi) category 1 Low-rise Exclusive Residential District, Category 2 Low-rise Exclusive Residential District, Category 1 Medium-to-high-rise Exclusive Residential District, Category 2 Medium-to-high-rise Exclusive Residential District, Category 1 Residential District, Category 2 Residential District, Quasi-residential District, Countryside Residential District, Neighborhood Commercial District, Commercial District, Quasi-industrial District, Industrial District, Exclusive Industrial District, Special Use District, Special Use Restriction District, Exceptional Floor Area Ratio District, High-rise residential Attraction Districts, Height Control District, High-level Use District, Specified Block, Special Districts for Urban Renaissance, Guided Land Use Districts for Residential Environment Improvement, Special Use Attraction District, Fire Prevention District, Quasi-fire Prevention District, Specified Disaster Prevention Block Improvement Zones or Landscape District: Category 1 Low-rise Exclusive Residential District, Category 2 Low-rise Exclusive Residential District, Category 1 Medium-to-high-rise Exclusive Residential District, Category 2 Medium-to-high-rise Exclusive Residential District, Category 1 Residential District, Category 2 Residential District, Quasi-residential District, Countryside Residential District, Neighborhood Commercial District, Commercial District, Quasi-industrial District, Industrial District, Exclusive Industrial District, Special Use District, Special Use Restriction District, Exceptional Floor Area Ratio District, High-rise residential Attraction Districts, Height Control District, High-level Use District, Specified Block, Special Districts for Urban Renaissance, Guided Land Use Districts for Residential Environment Improvement, Special Use Attraction District, Fire Prevention District, Quasi-fire Prevention District, Specified Disaster Prevention Block Improvement Zones or Landscape District as respectively set forth in Article 8, paragraph (1), items (i) through (vi) of the City Planning Act;

- (xxii) district Plans: District Plans set forth in Article 12-4, paragraph (1), item (i) of the City Planning Act;
- (xxiii) district Development Plans: District Development Plans set forth in Article 12-5, paragraph (2), item (i) of the City Planning Act;
- (xxiv) disaster Prevention Block Improvement Zone Plans: Disaster Prevention Block Improvement Zone Plans set forth in Article 12-4, paragraph (1), item (ii) of the City Planning Act;
- (xxv) specified Building District Development Plans: Specified Building District Development Plans as provided for in Article 32, paragraph (2), item (i) of the Act on the Promotion of Disaster Prevention Block improvement in Concentrated Urban Areas (Act No. 49 of 1997, hereinafter referred to as "Concentrated Urban Areas Development Act");
- (xxvi) disaster Prevention Block Improvement District Development Plans: Disaster Prevention Block Improvement District Development Plans as provided for in Article 32, paragraph (2), item (ii) of the Concentrated Urban Areas Development Act;
- (xxvii) historic Scenery Maintenance and Improvement District Plans: Historic Scenery Maintenance and Improvement District Plans set forth in Article 12-4, paragraph (1), item (iii) of the City Planning Act;
- (xxviii) historic Scenery Maintenance and Improvement District Plans: Historic Scenery Maintenance and Improvement District Plans as provided for in Article 31, paragraph (2), item (i) of the Act Concerning the Maintenance and Improvement of Historic Scenery (Act No. 40 of 2008; hereinafter referred to as the "Historic Scenery Act").;
- (xxix) roadside District Plans: Roadside District Plans set forth in Article 12-4, paragraph (1), item (iv) of the City Planning Act;
- (xxx) roadside District Development Plans: Roadside District Development Plans set forth in Article 9, paragraph (2), item (i) of the Act Concerning the Improvement of the Areas along Trunk Roads (Act No. 34, 1980, hereinafter referred to as the Act on Improvement of Road Areas);
- (xxxi) rural District Plans: Rural District Plans set forth in Article 12-4, paragraph (1), item (v) of the City Planning Act;
- (xxxii) rural Hamlet District Improvement Plans: Rural Hamlet District Improvement Plans as provided for in Article 5, paragraph (3) of the Rural Districts Improvement Act (Act No. 63 of 1987);
- (xxxiii) district Planning, etc.: District Planning, etc. as provided for in Article 4, paragraph (9) of the City Planning Act;
- (xxxiv) program: Instructions to an electronic computer combined so that it is possible to obtain a single result;
- (xxxv) designated Administrative Agency: The head of a municipality for the area of the relevant municipality having building officials, or the prefectural

governor for the area of other municipalities. Provided, however, that with respect to a building specified by Cabinet Order in the area of a municipality where there is a building official pursuant to Article 97-2, paragraph (1) or Article 97-3, paragraph (1), the prefectural governor.

(Exemption from Application)

Article 3 (1) The provisions of this Act, and orders and ordinances based thereon shall not apply to buildings coming under any of the following items:

- (i) buildings designated or provisionally designated as national treasures, important cultural properties, important tangible folk-custom cultural properties, natural monuments in special historical places and popular scenic spots, or natural monuments in historical places and popular scenic spots under the Cultural Properties Protection Act (Act No. 214 of 1950);
 - (ii) buildings recognized as important works of art, etc. under the provisions of the old Act on Preservation of Important Art Objects (Act No. 43 of 1933);
 - (iii) buildings for which measures have been taken to restrict their alteration from their present condition and to preserve them under the Ordinances based on the provisions of Article 182, paragraph (2) of the Cultural Properties Protection Act or other ordinances (referred to as "preserved buildings" in the following item), if the Designated Administrative Agency designates as such with the consent of the Building Review Council;
 - (iv) buildings reproducing the original form of buildings which were formerly those buildings set forth in item (i) or (ii) or preserved buildings, if the Designated Administrative Agency concludes that the reproduction is indispensable with the consent of the Building Review Council.
- (2) If buildings which are actually existing or sites thereof, or the buildings under construction, repair or remodeling at the time or the sites thereof, of the enforcement or application of the provisions referred to in this Act, or orders or ordinances based thereon, do not conform to those provisions or have unconformable parts, the relevant provisions shall not apply to those buildings, sites of buildings, or the parts of those buildings or sites thereof.
- (3) The provision of the preceding paragraph shall not apply to buildings, sites of buildings, or the parts of buildings or sites thereof coming under any of the following items:
- (i) buildings, sites of buildings, or parts of buildings or sites thereof which, in applying the provisions referred to in this Act, or orders or ordinances based thereon as amended (including cases where orders or ordinances based on this Act are abolished and at the same time new orders or ordinances corresponding thereto are put into force) by laws and orders amending this Act, or orders or ordinances based thereon, violate the former provisions corresponding to the amended ones;

- (ii) buildings, sites of buildings, or parts of buildings or sites thereof which have violated that former restrictions relevant to revised restrictions as Article 43, paragraph (1); Article 48, paragraphs (1) through (14); Article 52, paragraph (1), (2), (7) or (8); Article 53, paragraphs (1) through (3); Article 54, paragraph (1); Article 55, paragraph (1); Article 56, paragraph (1); Article 56-2, paragraph (1); or Article 61: or the Ordinances under Article 43, paragraph (3); Article 43-2, Articles 49 through 50 or Article 68-9, in response to the designation or alteration of City Planning Area or Quasi-city Planning Area, or in response to the designation or alteration of city planning for Category 1 Low-rise Exclusive Residential District, Category 2 Low-rise Exclusive Residential District, Category 1 Medium-to-high-rise Exclusive Residential District, Category 2 Medium-to-high-rise Exclusive Residential District, Category 1 Residential District, Category 2 Residential District, Quasi-residential District, Countryside Residential District, Neighborhood Commercial District, Commercial District, Quasi-industrial District, Industrial Districts, Exclusive Industrial District, Fire Prevention District, or Quasi-fire Prevention District, or in response to the designation of the area under Article 42, paragraph (1); Article 52, paragraph (2), item (ii) or (iii), or paragraph (8); Article 56, paragraph (1), item (ii), (a), or remarks 3 of Appended Table 3 revocation thereof, or in response to the designation or alternation of value set forth in Article 52, paragraph (1), item (viii), paragraph (2), item (iii), or paragraph (8); Article 53, paragraph (1), item (vi), Article 56, paragraph (1), item (ii), (d) or column (d), row (5) of Appended Table 3;
- (iii) buildings or sites thereof of which construction work for addition, rebuilding, relocation, major repair, or major remodeling is started after the enforcement or application of the provisions referred to in Act, or orders or ordinances based thereon;
- (iv) parts of buildings or sites thereof coming under the preceding item;
- (v) buildings, sites of buildings, or parts of buildings or sites thereof which become conformable to the provisions of this Act, or orders or ordinances based thereon.

(Building Officials)

- Article 4 (1) A city having a population of 250,000 or more as designated by Cabinet Order must appoint building officials to have them take charge of the affairs concerning confirmation under Article 6, paragraph (1) under the direction and supervision of its head.
- (2) A city (excluding cities of the preceding paragraph), town or village may appoint building officials to have them take charge of the affairs concerning confirmation under Article 6, paragraph (1), under the direction and

supervision of its head.

- (3) When a municipality intends to appoint building officials pursuant to the preceding paragraph, it must engage in prior consultation with the prefectural governor and have an agreement with respect to the appointment.
- (4) When a municipality is to appoint building officials based on consultation pursuant to the preceding paragraph, the head of the relevant municipality must publicly notify to that effect at least thirty days before the day of appointment of building officials, and notify the prefectural governor thereof.
- (5) A prefecture must appoint building officials to have them take charge of affairs concerning confirmation under Article 6, paragraph (1) for buildings outside the area of a municipality having building officials under paragraph (1) or (2) (hereinafter referred to as a "municipality having building officials" except in Article 97-2), under the direction and supervision of its prefectural governor.
- (6) Building officials as specified in paragraphs (1), (2) and the preceding paragraph shall be appointed by the head of a municipality, or the prefectural governor respectively from among officials of the municipality or prefecture that have been registered in accordance with the provisions of Article 77-58, paragraph (1).
- (7) The Designated Administrative Agency may divide its jurisdiction into several areas and may designate the building officials in charge of each area.

(Qualifying Examination for Building Regulation Conformity Inspectors)

- Article 5 (1) The qualifying examination for building regulation conformity inspectors shall be conducted so as to check the knowledge and experience necessary to judge whether a building designed by a Kenchikushi conforms to the provisions related to building regulations in Article 6, paragraph (1).
- (2) The qualifying examination for building regulation conformity inspectors shall be conducted by the Minister of Land, Infrastructure, Transport and Tourism.
 - (3) No person shall be eligible for the qualifying examination for building regulation conformity inspectors unless the person is qualified as a 1st-class Kenchikushi, with two or more years of practical experience related to building administration or confirmation and inspection work in Article 77-18, paragraph (1) or other similar work specified by Cabinet Order.
 - (4) Examiners of building regulation conformity inspectors shall be established at the Ministry of Land, Infrastructure, Transport and Tourism for conducting works related to qualifying examination for building regulation conformity inspectors. Provided, however, that this shall not apply if the designated qualifying examination body for qualified building regulation conformity inspectors provided for in paragraph (1) of the following Article performs the

qualifying examination affairs for building regulation conformity inspectors provided for in that paragraph.

- (5) An examiner of building regulation conformity inspectors shall be appointed by the Minister of Land, Infrastructure, Transport and Tourism from among persons having learning and experience in architecture and administration.
- (6) If a person has taken or has attempted to take a qualifying examination for building regulation conformity inspectors by illegal means, the Minister of Land, Infrastructure, Transport and Tourism may cancel the qualification or prohibit that person from taking the relevant examination.
- (7) The Minister of Land, Infrastructure, Transport and Tourism may prohibit a person who has been penalized under the preceding paragraph or paragraph (2) of the next Article from taking the qualifying examination for building regulation conformity inspectors, depending on the circumstances, for a specified period of two years or less.
- (8) In addition to the provisions of the preceding paragraphs, procedures and criteria and other necessary items for the qualifying examination for building regulation conformity inspectors shall be specified by Cabinet Order.

(Designation of a Person Performing the Qualifying Examination Affairs for Building Regulation Conformity Inspectors)

Article 5-2 (1) The Minister of Land, Infrastructure, Transport and Tourism may have a person (hereinafter referred to as "the designated qualifying examination body for qualified building regulation conformity inspectors") designated in accordance with the provisions referred to in Articles 77-2 through 77-5 to perform affairs relating to the implementation of qualifying examination for building regulation conformity inspectors (hereinafter referred to as "qualifying examination affairs for building regulation conformity inspectors").

- (2) The designated qualifying examination body for qualified building regulation conformity inspectors may exercise the authority of the Minister of Land, Infrastructure, Transport and Tourism as provided for in paragraph (6) of the preceding Article.
- (3) The Minister of Land, Infrastructure, Transport and Tourism shall not perform qualifying examination affairs for building regulation conformity inspectors when the designation under paragraph (1) has been performed.

(Examination Fee)

Article 5-3 (1) A person taking the qualifying examination for building regulation conformity inspectors (excluding the officials of a city, town, village, or prefecture) shall pay an examination fee specified by Cabinet Order in consideration of actual costs to the national government (or to a designated

qualifying examination body for qualified building regulation conformity inspectors if the examination conducted by a designated qualifying examination body for qualified building regulation conformity inspectors will be taken), as specified by Cabinet Order.

- (2) Examination fee paid to the designated qualifying examination body for qualified building regulation conformity inspectors pursuant to the preceding paragraph shall be income for that designated qualifying examination body for qualified building regulation conformity inspectors.

(Qualifying Examination for Structural Calculation Conformity Inspectors)

Article 5-4 (1) The qualifying examination for structural calculation conformity inspectors shall be conducted with the knowledge and experience necessary to carry out structural calculation conformity reviews in Article 6-3, paragraph (1) for a plan for the building based on a design by a Kenchikushi.

- (2) The qualifying examination for structural calculation conformity inspectors shall be conducted by the Minister of Land, Infrastructure, Transport and Tourism.

- (3) No person shall be eligible to take the qualifying examination for structural calculation conformity inspectors unless the person is qualified as a 1st-class Kenchikushi, with five or more years of practical experience related to structural calculation conformity reviews in Article 6-3, paragraph (1) or similar work specified by Cabinet Order.

- (4) A committee of examiners of qualified structural calculation conformity inspectors shall be established at the Ministry of Land, Infrastructure, Transport and Tourism with responsibility for administrative tasks relating to the qualifying examination for structural calculation conformity inspectors. Provided, however, that this shall not apply if a designated structural calculation conformity review body in paragraph (1) of the following Article conducts qualifying examination affairs for structural calculation conformity inspectors in that paragraph.

- (5) The provisions of Article 5, paragraph (5) shall apply mutatis mutandis to the committee of examiners of qualified structural calculation conformity inspectors, and the provisions of Article 5, paragraphs (6) through (8) shall apply mutatis mutandis to the qualifying examination for structural calculation conformity inspectors. In this case, references to "paragraph (2) of the following Article" in Article 5, paragraph (7) shall be read as "Article 5-2, paragraph (2) applied mutatis mutandis to Article 5-5, paragraph (2)".

(Designation of a Person Performing the Qualifying Examination Affairs for Qualified Structural Calculation Conformity Inspectors)

Article 5-5 (1) The Minister of Land, Infrastructure, Transport and Tourism may

have a person designated in accordance with the provisions referred to in Articles 77-3 through 77-5 applied mutatis mutandis to Article 77-17-2, paragraphs (1) and (2) (hereinafter referred to as "the designated qualifying examination body for structural calculation conformity inspectors") to perform affairs relating to the implementation of qualifying examinations for structural calculation conformity inspectors (hereinafter referred to as "the qualifying examination affairs for structural calculation conformity inspectors").

- (2) The provisions of Article 5-2, paragraphs (2) and Article 5-3, paragraph (2) shall apply to the designated qualifying examination body for structural calculation conformity inspectors, the provisions of Article 5-2, paragraph (3) to the qualifying examination affairs for structural calculation conformity inspectors, and the provisions of Article 5-3, paragraph (1) to qualified structural calculation conformity inspectors, mutatis mutandis. In this case, "paragraph (6) of the preceding Article" in Article 5-2, paragraph (2) shall be read as "Article 5, paragraph (6) applied mutatis mutandis in Article 5-4, paragraph (5)", "paragraph (1)" in paragraph (3) of this Article as "Article 5-5, paragraph (1)", and "person (excluding the officials of a city, town, village, or prefecture)" in Article 5-3, paragraph (1) as "person".

(Design of Buildings and Construction Administration)

Article 5-6 (1) Construction work for buildings as specified in Article 3, paragraph (1) (including cases where it is applied pursuant to the paragraph (2) of that Article; the same applies hereinafter), Article 3-2, paragraph (1) (including cases where it is applied pursuant to Article 3, paragraph (2) applied mutatis mutandis in Article 3-2, paragraph (2); the same applies hereinafter) or Article 3-3, paragraph (1) (including cases where it is applied pursuant to Article 3, paragraph (2) applied mutatis mutandis in Article 3-3, paragraph (2); the same applies hereinafter) of the Act on Architects and Building Engineers or buildings as specified in ordinances under the provisions of Article 3-2, paragraph (3) of the same Act (including cases where it shall be read as mutatis mutandis in Article 3-3, paragraph (2) of the same Act and applied; the same applies hereinafter) shall not be executed unless those buildings are designed by Kenchikushi as specified on the relevant provisions of those Articles.

- (2) Construction work for buildings under Article 20-2, paragraph (1) of the Act on Architects and Building Engineers based on structural drawings/specifications as specified in Article 2, paragraph (7) of the same Act shall not be executed unless it is based on structural design by a Structural Design 1st-class Kenchikushi (refers to structural design specified in Article 2, paragraph (7) of the same Act; the same hereinafter in the remainder of this Article and paragraph (3), item (ii) in the following Article) or on a structural

design for which a Structural Design 1st-class Kenchikushi has confirmed that the relevant building conforms to structure-related provisions.

- (3) Construction work for buildings under Article 20-3, paragraph (1) of the Act on Architects and Building Engineers based on equipment drawings/specifications specified in Article 2, paragraph (7) of the same Act shall not be executed unless it is based on MEP design by an MEP Design 1st-class Kenchikushi (refers to MEP design specified in Article 2, paragraph (7) of the same Act; the same hereinafter in the remainder of this Article and paragraph (3), item (iii) in the following Article) or on an MEP design for which an MEP Design 1st-class Kenchikushi has confirmed that the relevant building conforms to MEP-related provisions.
- (4) When construction work as specified in paragraph (1) is to be executed, the building owner concerned must designate a person who conducts construction administration and is qualified as Kenchikushi as specified in Articles 3 through 3-3 of the Act on Architects and Building Engineers.
- (5) Construction work in violation of the provision of the preceding paragraph shall not be executed.

(Application for and Confirmation of Construction of Buildings)

Article 6 (1) When a building owner intends to construct any building set forth in items (i) through (iii) (in the case of addition, including cases where a building has such scale set forth in items (i) through (iii) after the addition), intends to execute major repair or major remodeling of the building, or intends to construct a building set forth in item (iv), the building owner must submit an application for confirmation that the plan concerned conforms to the provisions related to building regulation (the provisions of this Act, and orders and ordinances based thereon (hereinafter referred to as "provisions of building standard laws and regulations"), and in addition, other provisions of laws concerning sites, construction, and equipment for buildings, orders and ordinances based thereon, those of which specified by Cabinet Order; the same applies hereinafter), obtain that confirmation from the building official and receive a certificate of completion for confirmation prior to starting the relevant construction work. This shall also apply when a plan for the building that received the relevant confirmation is to be revised (excluding minor revisions specified by Ministry of Land, Infrastructure, Transport and Tourism Order) to construct the building set forth in items (i) through (iii) (in the case of addition, including those which scale becomes set forth in items (i) through (iii) after the addition), or when major repair or remodeling work of the building is to be executed, or the building set forth in item (iv) is to be constructed.

(i) special buildings for use set forth in column (a) of Appended Table 1, of

- which parts for that use have an aggregate of floor areas exceeding 200 square meters;
- (ii) wooden buildings which have three or more stories, or have a total floor area exceeding 500 square meters, or those exceeding 13 meters in height, or those with height of eaves exceeding 9 meters;
 - (iii) buildings other than wooden buildings, which have two or more stories or have a total floor area exceeding 200 square meters;
 - (iv) in addition to the buildings set forth in the preceding three items, buildings in City Planning Areas or Quasi-city Planning Areas (excluding areas to be designated by the prefectural governor upon hearing the opinion of the Prefectural City Planning Council), in Quasi-landscape Districts under the Scenery Act (Act No. 110 of 2004) Article 74, paragraph (1) (excluding districts specified by the mayor of municipality), or in areas designated in whole or in part by the prefectural governors upon hearing the opinions of the concerned municipality.
- (2) The provisions in the preceding paragraph shall not apply in the case of addition, rebuilding, or relocation of a building outside a Fire Prevention District or a Quasi-fire Prevention District if the part of the building to be added, rebuilt, or relocated has an aggregate of floor areas of 10 square meters or less.
- (3) If an application as mentioned in paragraph (1) has been submitted, the building official shall not receive the relevant application if the plan concerned comes under any of the following items:
- (i) when it violates provisions of Article 3, paragraph (1), Article 3-2, paragraph (1), Article 3-3, paragraph (1), Article 20-2, paragraph (1) or Article 20-3, paragraph (1) of the Act on Architects and Building Engineers or provisions of ordinances based on provisions of Article 3-2, paragraph (3) of the same Act;
 - (ii) when, in a case where a 1st-class Kenchikushi other than a Structural Design 1st-class Kenchikushi performed the structural design of a building under Article 20-2, paragraph (1) of the Act on Architects and Building Engineers, the plan is not based on a structural design for which a Structural Design 1st-class Kenchikushi has confirmed that the relevant building conforms to structure-related provisions;
 - (iii) when, in a case where a 1st-class Kenchikushi other than an MEP design 1st-class Kenchikushi performed the MEP design of a building under Article 20-3, paragraph (1) of the Act on Architects and Building Engineers, the plan is not based on an MEP design for which an MEP Design 1st-class Kenchikushi has confirmed that the relevant building conforms to MEP-related provisions;
- (4) When a building official has received an application under paragraph (1), the

building official shall examine the plan for the building concerned as to whether it conforms to the provisions related to building regulation, and if the building official confirms as a result of the examination, that it conforms to the provisions related to building regulation, the building official must issue a certificate of completion of confirmation to the relevant applicant within thirty-five days from the day of receipt in the case of buildings as mentioned in items (i) through (iii) of that paragraph, or within seven days from the day of receipt in the case of buildings as mentioned in item (iv) of that paragraph.

- (5) If plan for the buildings relating to the application require the structural calculation conformity review in Article 6-3, paragraph (1), under the case of the preceding paragraph, the building official shall be able to carry out confirmation under paragraph (1) only if a conformity review notice or a copy thereof have been submitted by the building owner.
- (6) In the case in paragraph (4) (limited to those for which a review to be performed as to whether the plan for the building in the application conforms to the designated structural calculation standards (limited to parts relating to the safety that can be confirmed by structural calculations in accordance with the standards specified by Cabinet Order referred to in Article 20, paragraph (1) item (ii), (a), using the method provided for in (a) of that item) and other cases specified by Ministry of Land, Infrastructure, Transport and Tourism Order) and other cases specified by Ministry of Land, Infrastructure, Transport and Tourism Order), if there are reasonable grounds why the building official cannot issue the certificate of completion of confirmation in paragraph (1) to the relevant applicant within the period in paragraph (4), the building official may extend the period in paragraph (4) within a range of thirty-five days. In this case, the building official must issue a written notice stating this fact and the period of the extension, and the reason for the extension of the period to the relevant applicant within the period in that paragraph.
- (7) In the case of paragraph (4), if the building official concludes that the plan for the building in the application does not conform to the provisions related to building regulation, or if there are justifiable reasons to be unable to decide whether it conforms to the provisions related to building regulation, the building official must issue a written notice stating this fact and the reasons to the relevant applicant within the period in that paragraph (when the period in paragraph (4) has been extended pursuant to the provisions of the preceding paragraph, the period after the relevant extension).
- (8) The construction, major repair, or major remodeling of a building as specified in paragraph (1) shall not be executed until the certificate of completion of confirmation specified in that paragraph has been issued.
- (9) Forms of the application for confirmation under paragraph (1) and of the certificate of completion of confirmation specified in that paragraph, and the

written notice specified in paragraphs (6) and (7) shall be specified by Ministry of Land, Infrastructure, Transport and Tourism Order.

(Confirmation by a Person Designated by the Minister of Land, Infrastructure, Transport and Tourism)

Article 6-2 (1) When the conformity of the plan for the building set forth in each item of paragraph (1) of the preceding Article (excluding cases come under any one of the items in paragraph (3) of the preceding Article) with the provisions related to building regulation is confirmed by a person that was designated by the Minister of Land, Infrastructure, Transport and Tourism or a prefectural governor in accordance with the provisions referred to in Articles 77-18 through 77-21, and a certificate of completion of confirmation is issued as specified by Ministry of Land, Infrastructure, Transport and Tourism Order, the relevant confirmation shall be considered equivalent to a confirmation under paragraph (1) of the preceding Article and the relevant certificate of completion of confirmation shall be considered equivalent to the certificate of completion of confirmation specified in that paragraph.

(2) The designation under the preceding paragraph shall be performed by the Minister of Land, Infrastructure, Transport and Tourism if the person to be designated performs confirmation work under that paragraph within an area encompassing two or more prefectures, or by a prefectural governor involving a single prefecture.

(3) When a person that has been designated under paragraph (1) has received an application for confirmation under paragraph, and the plan for the buildings relating to the application need to undergo the structural calculation conformity review as provided for in paragraph (1) of the following Article, confirmation may be carried out under paragraph (1) provided that the building owner has submitted a conformity review notice or a copy thereof under the provisions of paragraph (7) of that Article.

(4) When a person designated under paragraph (1) has received an application for the confirmation under that paragraph concludes that the plan for the building in the application does not conform to the provisions related to building regulation, or if there are justifiable grounds to be unable to decide whether it conforms to the provisions related to building regulation, the relevant person must issue a written notice stating this fact and the reasons to the relevant applicant as specified by Ministry of Land, Infrastructure, Transport and Tourism Order.

(5) When a person designated under paragraph (1) issues the certificate of completion of confirmation in that paragraph or a written notice in the preceding paragraph, within a period specified by Ministry of Land, Infrastructure, Transport and Tourism Order, the relevant person must

prepare a confirmation examination report and attach documents concerning the plan for the building specified by Ministry of Land, Infrastructure, Transport and Tourism Order related to the relevant certificate of completion of confirmation or the relevant written notice and must submit it to the Designated Administrative Agency, as specified by Ministry of Land, Infrastructure, Transport and Tourism Order.

- (6) When the Designated Administrative Agency receives the submission of the confirmation examination report under the preceding paragraph, it finds that the plan for the building which received the certificate of completion of confirmation specified in paragraph (1) does not conform to the provisions related to building regulation, it must notify the information to the owner of the relevant building and the person who issued the relevant the certificate of completion of confirmation and has been designated under that paragraph to that effect. In this case, the relevant certificate of completion of confirmation shall cease to be effective.
- (7) The Designated Administrative Agency shall issue the order in Article 9, paragraph (1) or (10), or take other measures, under the case of the preceding paragraph, as necessary.

(Structural Calculation Conformity Review)

Article 6-3 (1) In the case of Article 6, paragraph (1), if the plans for the building covered by an application require confirmation examination (defined as an examination specified in Article 6, paragraph (4) or examination for the confirmation under paragraph (1) of the preceding Article: same shall apply below in this paragraph) to ascertain whether or not they comply with the standards provided for in Article 20, paragraph (1), item (ii) or (iii) (limited to structural calculations that conform to the standards provided for in item (ii), (a) or (iii), (a) of that paragraph, and limited to those parts for which safety can be confirmed by means of a method or program as provided for in item (ii), (a) of that paragraph, or by means of the program provided for in item (iii), (a) of that paragraph, hereinafter referred to as "designated structural calculation standards") or the standards provided for in Article 86-7, paragraph (1) in the case of additions or remodeling within the scope specified by Cabinet Order in that Article (limited to standards specified by Cabinet Order as designated structural calculation standards, hereinafter referred to as "designated structural calculation standards for additions and remodeling") in the case of a building to which the provisions referred to in Article 20 do not apply pursuant to the provisions of Article 3, paragraph (2) (including cases in which the provisions apply to Article 86-9, paragraph (1), mutatis mutandis), the building owner shall submit an application for a structural calculation conformity review (defined as a judgement to ascertain whether the plan for the relevant

buildings conform to the designated structural calculation standards or the designated structural calculation standards for additions and remodeling; the same applies hereinafter) and obtain a structural calculation conformity review by a prefectural governor. Provided, however, that these requirements shall not apply if a building official satisfying requirements specified by Ministry of Land, Infrastructure, Transport and Tourism Order as a person who possesses advanced specialist knowledge and technology pertaining to structural calculations conducts review specified in Article 6, paragraph 4 or having a building inspector as defined in Article 77-24, paragraph (1) who has been designated under paragraph (1) of the preceding Article and meets the conditions specified by the relevant Ministry of Land, Infrastructure, Transport and Tourism Order conduct confirmation examination under paragraph (1) of the preceding Article whether or not the plans for the relevant building conform to the designated structural calculation standards (limited to parts relating to safety characteristics that can be confirmed by structural calculations in accordance with the standards specified by Cabinet Order referred to in Article 20, paragraph (1) item (ii), (a), using the method provided for in that item, and which are specified by Cabinet Order as the parts for which the confirmation examination is relatively simple) or the designated structural calculation standards for additions and remodeling (limited to those for which confirmation evaluations are relatively simple).

- (2) If a prefectural governor receives an application as defined in the preceding paragraph, and a building official in the relevant prefecture will carry out a review under Article 6, paragraph (1) concerning the conformity of the plans for the building covered by the relevant application with the relevant building standards, the governor must not allow the relevant building official to engage in affairs relating to the structural calculation conformity review pertaining to the relevant application.
- (3) If a prefectural governor finds that it is necessary to review the structural calculation conformity review under the provisions of paragraph (1) in the case of plans for a building in which a special structural method will be used, the governor shall seek the opinion of a person with specialist knowledge of structural calculations pertaining to the relevant structural method.
- (4) If a prefectural governor receives an application as defined in paragraph (1), the governor must issue a written notice to the applicant within 14 days from the date on which the relevant application was received, stating the results of the structural calculation conformity review pertaining to the relevant application.
- (5) In the case of the preceding paragraph (limited to those for which an application for a review is received to ascertain whether the plan for the building specified in the application conforms to the designated structural

calculation standards conforms to the designated structural calculation standards (limited to parts relating to the safety that can be confirmed by structural calculations in accordance with the standards specified by Cabinet Order referred to in Article 20, paragraph (1) item (ii), (a), using the method provided for in (a) of that item) and other cases specified by Ministry of Land, Infrastructure, Transport and Tourism Order), if there are reasonable grounds why the prefectural governor cannot issue the notice in that paragraph to the relevant applicant within the period in the preceding paragraph, the period provided for in the preceding paragraph may be extended to 35 days. In this case, the prefectural governor must issue a written notice stating this fact and the period of the extension, and the reason for the extension of the period to the relevant applicant within the period in that paragraph.

- (6) In the case of paragraph (4), if there are justifiable grounds to be unable to decide whether the plan for the building conform to the designated structural calculation standards or the designated structural calculation standards for additions and remodeling based on information in an application, the prefectural governor must issue a written notice stating this fact and the reasons to the relevant applicant within the period in that paragraph (when the period in paragraph (4) has been extended pursuant to the provisions of the preceding paragraph, the period after the relevant extension).
- (7) If a building owner is issued with a written notice pursuant to the provisions of paragraph (4) and the relevant written notice is a conformity review notice (a written notice stating that the plans for the relevant building has been judged to conform to the designated structural calculation standards or the designated structural calculation standards for additions and remodeling; the same applies hereinafter), a copy of the relevant conformity review notice must be submitted to the building official that will carry out the review under Article 6, paragraph (1) or paragraph (1) of the preceding Article, or to a person designated under that paragraph. Provided, however, that this requirement shall not apply if a written notice pertaining to the plans for the relevant building has been issued under the provisions of Article 6, paragraph (7) or paragraph (4) of the preceding Article.
- (8) The plans for a building require confirmation by a building official under Article 6, paragraph (1), under the case of the preceding paragraph, the building owner must submit the conformity review notice in the preceding paragraph or a copy thereof to the relevant building official not later than three days before the final day of the period in the paragraph (4) of that Article (if the period has been extended pursuant to the provision of paragraph (6) of that Article, the extended period).
- (9) The format for applications for structural calculation conformity reviews under paragraph (1) and written notices under provisions of paragraphs (4)

through (6) will be determined by the Ministry of Land, Infrastructure, Transport and Tourism.

(Special Rules regarding Confirmation of Construction of Buildings)

Article 6-4 (1) In applying the provisions referred to in Article 6 and 6-2 to the construction, major repair, or major remodeling of buildings set forth in item (i) or (ii), or to the construction of buildings set forth in item (iii), "as specified by Cabinet Order; the same applies hereinafter" in Article 6, paragraph (1) shall read "as specified by Cabinet Order but excluding the provisions specified by Cabinet Order among the provisions referred to in building standard laws and regulations; the same in this and the next Article.":

- (i) buildings using building materials for which type-approval has been obtained under Article 68-10, paragraph (1) (referred to as "approved type" in the following item);
- (ii) buildings with parts of buildings that conform to the approved type;
- (iii) buildings set forth in Article 6, paragraph (1), item (iv), which are designed by Kenchikushi.

(2) Cabinet Order which specifies the provisions of building standard laws and regulations under Article 6, paragraph (1) as applied by replacing phrases therein pursuant to the preceding paragraph, shall specify cases, according to the classification of Kenchikushi and buildings, where no objections are anticipated from the viewpoint of safety, fire prevention and sanitation of a building even if it is decided, based on the consideration of the technical level of Kenchikushi, site, structure and use of buildings and other conditions, that no review by a building official is required.

(Final Inspection of Buildings)

Article 7 (1) When construction work under Article 6, paragraph (1) has been completed, the building owner must apply for an inspection by the building official as specified by Ministry of Land, Infrastructure, Transport and Tourism Order.

- (2) The application under the preceding paragraph must be submitted so that it reaches the building official within four days from the completion date of the construction work under Article 6, paragraph (1). Provided, however, that this shall not apply when there is an unavoidable reason for the failure to submit the application specified by Ministry of Land, Infrastructure, Transport and Tourism Order.
- (3) The application for an inspection specified by the proviso of the preceding paragraph must be submitted so that it reaches the building official within four days from the day that the reason preventing its submission no longer exists.

- (4) If the building official has received an application under paragraph (1), the building official or an official of the relevant city, town, village, or prefecture as entrusted by the building officer (hereinafter in this Chapter, "building official, etc.") must inspect the building and its site concerning the relevant construction work whether they conform to the provisions related to building regulation, within seven days from the receipt of the application.
- (5) The building official, etc. must give the building owner of the building concerned a certificate of final inspection as specified by Ministry of Land, Infrastructure, Transport and Tourism Order, when the building official has conducted an inspection under the preceding paragraph and confirmed that the relevant building and its site conform to the provisions related to building regulation.

(Final Inspection by a Person Designated by the Minister of Land, Infrastructure, Transport and Tourism)

- Article 7-2 (1) The provisions of paragraphs (1) through (3) of the preceding Article shall not apply when a person designated by the Minister of Land, Infrastructure, Transport and Tourism or a prefectural governor under Articles 77-18 through 77-21 has accepted to perform an inspection of construction work under Article 6, paragraph (1) within four days from the completion date of the relevant construction work to confirm whether the building and its site conform to the provisions related to building regulation, and when the construction work is completed.
- (2) The designation under the preceding paragraph shall be performed by the Minister of Land, Infrastructure, Transport and Tourism in the case of designating a person who intends to perform the inspection work in that paragraph within an area encompassing two or more prefectures, or by a prefectural governor in the case of designating a person who intends to perform the inspection work in that paragraph within a single prefecture.
 - (3) When a person designated under paragraph (1) has accepted to perform an inspection under that paragraph, it must issue written confirmation of that acceptance to the building owner and must notify the building official to that effect as specified by Ministry of Land, Infrastructure, Transport and Tourism Order.
 - (4) When a person designated under paragraph (1) has accepted to perform an inspection under that paragraph, it must perform the inspection within seven days of the later of two dates: either the day that the construction work under Article 6, paragraph (1) has been completed, or the day that the person accepted the relevant inspection.
 - (5) When a person designated under paragraph (1) confirms that the building and its site inspected under that paragraph conform to the provisions related to

building regulation, it must issue a certificate of final inspection to the building owner of the relevant building as specified by Ministry of Land, Infrastructure, Transport and Tourism Order. In this case, the relevant certificate of final inspection shall be considered equivalent to the certificate of final inspection specified in paragraph (5) of the preceding Article.

- (6) When a person designated under paragraph (1) has performed the inspection in that paragraph, the relevant person shall, within a period specified by Ministry of Land, Infrastructure, Transport and Tourism Order, prepare a final inspection report, attach documents specified by Ministry of Land, Infrastructure, Transport and Tourism Order concerning the building and its site that was inspected under that paragraph, and must submit this to the Designated Administrative Agency as specified by Ministry of Land, Infrastructure, Transport and Tourism Order.
- (7) When the Designated Administrative Agency has received the submission of the final inspection report under the preceding paragraph, if it finds that the building and its site inspected under paragraph (1) does not conform to the provisions related to building regulation, it immediately issues orders and takes other necessary measures in accordance with the provisions of Article 9, paragraph (1) or (7).

(Interim Inspection of Buildings)

Article 7-3 (1) If construction work under Article 6, paragraph (1) includes one of the processes coming under any of the following items (hereinafter referred to as, "designated construction processes") and this work including the relevant designated construction process has been completed, a building owner must request, on all that occasions, an inspection by the building official as specified by Ministry of Land, Infrastructure, Transport and Tourism Order.

- (i) a process specified by Cabinet Order among processes of construction work for installing reinforcing bars in the floors and beams of apartment buildings with three or more stories;
- (ii) in addition to those set forth in the preceding paragraph, processes that the Designated Administrative Agency stipulates, limiting area, period, or the structure, use, or scale of the building considering trends in the construction of buildings, state of construction work and other circumstances in the region.
- (2) The application under the preceding paragraph must be submitted to the building official within four days from the day the work involving the designated construction process has been completed. Provided, however, that this shall not apply when there is an unavoidable reason for the failure to submit the application as specified by Ministry of Land, Infrastructure, Transport and Tourism Order.
- (3) The application for an inspection specified by the proviso of the preceding

paragraph must be submitted so that it reaches the building official within four days from the day that the reason preventing its submission no longer exists.

- (4) When the building official has received an application under paragraph (1), the building official, etc. shall inspect parts of buildings and their sites where work was executed prior to the inspection to confirm whether it conforms to the provisions related to building regulation, within four days after receiving the application, concerning the buildings, etc. under construction work (meaning the building and its site during construction, major repair, or major remodeling; hereinafter the same in this Chapter).
- (5) When the building official, etc. has performed an inspection under the preceding paragraph and has confirmed the fact that the buildings, etc. under construction work conform to the provisions related to building regulation, the building official must issue a certificate of interim inspection concerning the relevant designated construction process to the relevant building owner as specified by Ministry of Land, Infrastructure, Transport and Tourism Order.
- (6) Construction work which follows processes executed after relevant designated construction process specified by Cabinet Order for each designated construction process specified by Cabinet Order under paragraph (1), item (i), and designated construction processes that the Designated Administrative Agency stipulates along with the provisions of item (ii) of that paragraph (referred to collectively as "processes executed after a designated construction process" in Article 18, paragraph (22))" must not be executed until after the certificate of interim inspection concerning the relevant designated construction process under the preceding paragraph has been issued.
- (7) When a building, etc. under construction work of which conformity with the provisions related to building regulation has been confirmed by an inspection under paragraph (4); inspections under Article 7, paragraph (4), paragraphs (1) and (4) of the preceding Article; or paragraph (1) of the next Article, by a building official, etc. or a person designated under paragraph (1) of the preceding Article for the parts of buildings and site subject to the relevant interim inspection shall not be required.
- (8) Public notice and other necessary items concerning designations under paragraph (1), item (ii) shall be specified by Ministry of Land, Infrastructure, Transport and Tourism Order.

(Interim Inspection by a Person Designated by the Minister of Land, Infrastructure, Transport and Tourism)

Article 7-4 (1) The provisions of paragraphs (1) through (3) of the preceding Article shall not apply if a person designated under Article 7-2, paragraph (1) has accepted to perform an inspection of part of a building or its site related

work prior to the inspection concerning the building, etc. under construction work under Article 6, paragraph (1) and has completed the designated construction process, as to whether the building, etc. conforms to the provisions related to building regulation within four days after the completion date of the relevant construction work.

- (2) When a person designated under Article 7-2, paragraph (1) has accepted to perform the inspection under the preceding paragraph, it must issue written confirmation of that acceptance to the building owner and shall notify the building official to that effect as specified by Ministry of Land, Infrastructure, Transport and Tourism Order.
- (3) When a person designated under Article 7-2, paragraph (1) has performed the inspection provided for in paragraph (1) and has confirmed the fact that the building, etc. under construction work of a designated process conforms to the provisions related to building regulation, the relevant person must issue a certificate of interim inspection concerning the relevant designated construction process to the relevant building owner, as specified by Ministry of Land, Infrastructure, Transport and Tourism Order.
- (4) A certificate of interim inspection concerning a designated construction process issued pursuant to the preceding paragraph shall, on all that occasions, be considered equivalent to the certificate of interim inspection concerning the relevant designated construction process specified in paragraph (5) of the preceding Article.
- (5) In applying the provisions referred to in paragraph (7) of the preceding Article, an inspection provided for in paragraph (1) for which a certificate of interim inspection concerning a designated construction process was issued pursuant to paragraph (3) shall, on all that occasions, be considered equivalent to an inspection under paragraph (4) of that Article for which the certificate of interim inspection concerning the relevant designated construction process was issued pursuant to paragraph (5) of that Article.
- (6) When a person designated under Article 7-2, paragraph (1) has performed the inspection under paragraph (1), the relevant person shall prepare an interim inspection report, and accompanied by documents specified by Ministry of Land, Infrastructure, Transport and Tourism Order concerning the building etc. under construction that was inspected under that paragraph, submit the report to the Designated Administrative Agency as specified by Ministry of Land, Infrastructure, Transport and Tourism Order, within a period specified by Ministry of Land, Infrastructure, Transport and Tourism Order.
- (7) When the Designated Administrative Agency has received a submission of an interim inspection report, it finds that the building, etc. under construction work that was inspected under paragraph (1) does not conform to the provisions related to building regulation under the preceding paragraph, it

immediately issues orders and takes other necessary measures under Article 9, paragraph (1) or (10).

(Special Rules regarding Inspection of Buildings)

Article 7-5 In applying the provisions referred to in Article 7 through the preceding Article to the construction work, major repair, or major remodeling for a building set forth in item (i) or (ii) of Article 6-4, paragraph (1) or the construction work of a building set forth in item (iii) of that paragraph (in the case of construction work of a building set forth in that item, limited to that confirmed as specified by Ministry of Land, Infrastructure, Transport and Tourism Order, to have been executed by Kenchikushi as the person who conducts construction administration in accordance with the drawings/specifications), the phrase, "provisions related to building regulation" appearing in Article 7, paragraphs (4) and (5) shall read, "provisions related to building regulation provided for in Article 6, paragraph (1) as applied by replacing phrases therein pursuant to the provisions of paragraph (1) of the preceding Article." Likewise, the phrase "provisions related to building regulation" in Article 7-2, paragraphs (1), (5), and (7), Article 7-3, paragraphs (4), (5), and (7), and paragraphs (1), (3), and (7) of the preceding Article shall read, "provisions related to building regulation pursuant to the provisions of Article 6, paragraph (1) as applied by replacing phrases therein in accordance with the provisions of Article 6-4, paragraph (1)."

(Restrictions on Use of Buildings up to Obtaining the Certificate of Final Inspection)

Article 7-6 (1) If buildings as mentioned in Article 6, paragraph (1) items (i) through (iii) are newly constructed, or where construction work for addition to, rebuilding, relocation, major repair or major remodeling of those buildings (excluding any houses other than apartment houses and any buildings which have no habitable rooms) includes construction work on corridors, stairways, doorways or other evacuation facilities, fire hydrants, sprinklers or other fire extinguishing equipment, smoke exhaust equipment, emergency lighting system, elevatory system for emergency use or fire compartments which are specified by Cabinet Order (excluding minor construction work as specified by Cabinet Order; referred to in this paragraph, Article 18, paragraph (24) and Article 90-3 as "construction work on evacuation facilities, etc."), the building owner concerned shall neither use nor let anyone use the building to be newly constructed, or the building or its parts subject to construction work on evacuation facilities, etc. until the building owner obtains a certificate of final inspection under Article 7, paragraph (5). Provided, however, that in cases of any of the following items, the building owner may use or let someone use the

relevant building or its parts temporarily even before obtaining the certificate of final inspection:

- (i) where the Designated Administrative Agency determines that there is no objection from the viewpoint of safety, fire prevention, or evacuation;
 - (ii) where a building official or a person designated under Article 7-2, paragraph (1) determines that conformity to the standards defined by the Minister of Land, Infrastructure, Transport and Tourism has been achieved on the basis that there is no objection from the viewpoint of safety, fire prevention, or evacuation;
 - (iii) where seven days have elapsed from the day (when a person designated under Article 7-2, paragraph (1) has accepted to perform the inspection under that paragraph, the construction work under has been completed, or the day that the person accepted the relevant inspection, whichever is later) on which the application under Article 7, paragraph (1) was received.
- (2) Necessary items concerning the procedures of applying for permission under items (i) and (ii) of the preceding paragraph shall be specified by Ministry of Land, Infrastructure, Transport and Tourism Order.
- (3) If a person designated under Article 7, paragraph (2), item (i) grants approval under paragraph (1), item (ii), a temporary use approval report must be created as specified by Ministry of Land, Infrastructure, Transport and Tourism Order within the period specified by Ministry of Land, Infrastructure, Transport and Tourism Order and submitted to the Designated Administrative Agency, together with documentation concerning the approved building under that item, as specified by Ministry of Land, Infrastructure, Transport and Tourism Order.
- (4) When the Designated Administrative Agency has received a submission of temporary use approval report under the preceding paragraph, it finds that the building for which approval has been given under paragraph (1), item (ii) does not to conform to the standards specified by the Minister of Land, Infrastructure, Transport and Tourism, it must notify this information to the owner of the relevant building and to the person designated under Article 7-2, paragraph (1) who carried out the relevant approval. In this case, the relevant approval shall cease to be effective.

(Maintenance)

- Article 8 (1) The owner, custodian or occupant of a building must endeavor to maintain the site, construction and building equipment of the building in a state complying with legal requirements.
- (2) The owner or custodian of a building coming under any of the following items must prepare standards or plans for the maintenance of the building and take other appropriate measures as the need arises, in order to maintain the site,

construction and building equipment of the building in a state complying with legal requirements. Provided, however, this shall not apply to a building owned or managed by the State, a prefecture, or a municipality that has building officials.

- (i) special buildings specified by Cabinet Order as being especially important from the viewpoint of safety, fire protection and sanitation;
 - (ii) special buildings other than the special buildings mentioned in the preceding item or other buildings specified by Cabinet Order that are designated by the Designated Administrative Agency.
- (3) The Minister of Land, Infrastructure, Transport and Tourism may specify necessary guidelines in order to contribute to the proper preparation provision of standards or plans mentioned in the preceding paragraph by the owner or custodian of a building that comes under any of the items in that paragraph.

(Measures concerning Building in Violation)

Article 9 (1) With respect to buildings or building sites in violation of the provisions of building standard laws and regulations or of requirements attached to permission based on the provisions of this Act, the Designated Administrative Agency may issue orders for the suspension of the construction work concerned or, providing a reasonable grace period, for the demolition, relocation, rebuilding, addition, repair, remodeling, prohibition or restriction of use of the building concerned or the implementation of other measures to correct violations against those provisions or requirements, to the building owner of the relevant building, or to the contractor (including subcontractors of contracted work) or field manager of the construction work on the relevant building, or to the owner, custodian or occupant of the relevant building or its site.

- (2) When the Designated Administrative Agency intends to issue an order for the measures mentioned in the preceding paragraph, it must deliver in advance a written notice setting forth the measures to be taken, the reason therefor and the office to which written opinions are to be submitted, and the deadline for submission of written opinions to the person to be ordered to take those measures. It must provide the person to be ordered to take those measures or a representative of the person concerned with the opportunity to submit a written opinion and evidence advantageous to the person concerned.
- (3) A person who has received a written notice under the preceding paragraph may request the Designated Administrative Agency to hold a public hearing within three days from the day of receipt thereof instead of a submission of written opinions.
- (4) When a hearing of opinions has been requested under the preceding paragraph, the Designated Administrative Agency must request the

- appearance of the person who is seeking to order the measures in paragraph (1) or of which agent, and hold a public hearing of opinions.
- (5) When the Designated Administrative Agency conducts the hearing of opinions under the preceding paragraph, it must notify the person specified in the preceding paragraph of the measures that it is seeking to order under paragraph (1), and the date and place of the hearing not later than two days before that date, and it must give public notice thereof.
 - (6) The person specified in paragraph (4) may present witnesses and submit evidence in one's favor at the hearing.
 - (7) The Designated Administrative Agency may issue provisional orders for the prohibition or restriction of use of a building without following the procedure specified in the preceding five paragraphs, notwithstanding the provisions of the preceding five paragraphs in case of urgent necessity.
 - (8) A person who has received an order under the preceding paragraph may request the Designated Administrative Agency to hold a public hearing within three days from the day of receipt thereof. In this case, the provisions of paragraphs (4) through (6) shall apply mutatis mutandis. Provided, however, that the hearing must be held within five days from the day of that request.
 - (9) If the Designated Administrative Agency concludes as a result of a hearing held under the preceding paragraph that a provisional order issued under paragraph (7) is reasonable, it may render an order under paragraph (1). If it concludes as a result of the hearing that a provisional order issued under paragraph (7) is unreasonable, it must revoke the order immediately.
 - (10) With respect to buildings under construction, repair, or remodeling apparently in violation of the provisions of building standard laws and regulations or of requirements attached to permission based on the provisions of this Act, the Designated Administrative Agency may issue orders for the suspension of the construction work concerned without following the procedure, to the building owner of the building concerned, or to the contractor (including subcontractors of contracted work) or field manager of the relevant construction work only when that procedure as specified in paragraphs (2) through (6) can not be taken because of urgent necessity,. In this case, when these persons not in the field of the relevant construction work, it may order persons actually engaged in the relevant construction work to suspend it.
 - (11) When the Designated Administrative Agency intends to issue an order for the necessary measures pursuant to the provisions of paragraph (1), and it can not identify, despite its every effort, the person to whom the order is to be issued and concludes that leaving the violation as it is will be extremely contrary to the public interest, it may take the measures by itself at the expense of such person, or may order or entrust a person to take the measures. In this case, it must give public notice in advance to the effect that the

measures shall be taken in a specified reasonable period, and that if the measures are not taken within the time limit, the Designated Administrative Agency or the person ordered or entrusted by it shall take the measures.

- (12) When the Designated Administrative Agency has issued an order for the necessary measures pursuant to the provisions of paragraph (1), and the person ordered to take the measures does not perform the measures, the performance is insufficient, or the performance cannot be expected to be completed within a period as mentioned in that paragraph, it may proceed to execute, by itself, the measures which should have been taken by the person under obligation or to cause a third person to take those measures as specified by the Act on Substitute Execution by Administration (Act No. 43 of 1948).
- (13) When the Designated Administrative Agency has issued an order under paragraph (1) or (10) (including cases where a building surveillant has issued an order under paragraph (10)), it must publicly notify to that effect by way of a sign board or other method as established by Ministry of Land, Infrastructure, Transport and Tourism Order.
- (14) A sign board in the preceding paragraph may be established in the building or at the building site subject to an order under paragraph (1) or (10). In this case, the owner, custodian or occupant of the building or building site subject to that order under paragraph (1) or (10) shall neither refuse nor obstruct the establishment of the relevant sign board.
- (15) The provisions of Chapter III (excluding Article 12 and Article 14) of the Administrative Procedures Act (Act No. 88 of 1993) shall not apply to orders issued under paragraph (1), (7), or (10).

(Building Surveillants)

Article 9-2 The Designated Administrative Agency may appoint building surveillants from among the officials of the relevant city, town, village, or prefecture and have them exercise the authority of the Designated Administrative Agency as specified in paragraphs (7) and (10) of the preceding Article as specified by Cabinet Order.

(Measures Taken against the Designers of Buildings in Violation)

Article 9-3 (1) When the Designated Administrative Agency has issued an order under Article 9, paragraph (1) or (10) (including cases where a building surveillant has issued an order under paragraph (10) of that Article), it must give notice of the name or appellation and address of the designer, the person who conducts construction administration or contractor (including subcontractors of contracted work; the same in the next paragraph) of the building subject to the relevant order or those of the building lot and building transaction agent that has conducted the transaction concerning the relevant

building or manufacturer of wastewater purifier concerning the order concerned, as specified by Ministry of Land, Infrastructure, Transport and Tourism Order, and other items specified by Ministry of Land, Infrastructure, Transport and Tourism Order, to the Minister of Land, Infrastructure, Transport and Tourism or the prefectural governor supervising these persons in accordance with the Act on Architects and Building Engineers, the Construction Business Act (Act No. 100 of 1949), the Purification Tank Act (Act No. 43 of 1983) or the Real Estate Brokerage Act (Act No. 176 of 1952).

(2) Having received a notice under the preceding paragraph, without delay, the Minister of Land, Infrastructure, Transport and Tourism or prefectural governor must revoke any license or permission which has been issued under the Act on Architects and Building Engineers, the Construction Business Act, the Purification Tank Act or the Real Estate Brokerage Act, take actions to suspend services or other necessary measures with respect to the persons concerned in the relevant notice, and give notice of the results to the Designated Administrative Agency having made the relevant notice under that paragraph.

(Guidance and advice for the owner of a building that is a threat to public safety)

Article 9-4 In a case where the Designated Administrative Agency concludes that the site, construction or building equipment of a building (limited to those that, pursuant to the provisions of Article 3, paragraph (2), are not subject to the provisions of next Chapter nor to the provisions referred to in orders or ordinances based thereon) has been damaged, is corroded or has suffered other deterioration, and that if this damage, etc. is not repaired, it will be a threat to public safety or will be harmful to sanitation, the Designated Administrative Agency may state necessary guidance and advise the owner, custodian or occupant of the relevant building, or its building site concerning the repair, corrosion prevention measures or other maintenance of the relevant building or its building site.

(Warning and order to the owner of a building that is a threat to public safety)

Article 10 (1) In a case where the Designated Administrative Agency concludes that the site, construction, or building equipment of a building set forth in Article 6, paragraph (1), item (i) or building specified by another Cabinet Order (limited to those that, pursuant to the provisions of Article 3, paragraph (2), are not subject to the provisions of next Chapter nor to the provisions referred to in orders or ordinances based thereon) has been damaged, corroded, or suffered other deterioration, and that if this damage etc. is not repaired, it will be seriously dangerous to public safety or will be seriously harmful to

sanitation, the Designated Administrative Agency shall issue a warning to the owner, custodian, or occupant of the relevant building or its building lot, giving an appropriate grace period, for the demolition, relocation, rebuilding, addition, repair, remodeling, prohibition or restriction of use of the relevant building or other measures necessary to preserve public safety or to keep sanitation.

(2) In cases where the person that has been issued a warning in the preceding paragraph has not taken the relevant measures without justifiable grounds, if the Designated Administrative Agency finds it to be particularly necessary, it may order the relevant person to take the measures in the warning, giving an appropriate grace period.

(3) In cases other than cases under the preceding paragraph, where the Designated Administrative Agency concludes that the site, construction or building equipment of a building is seriously dangerous to public safety or harmful to sanitation (limited to those for which the relevant building is not subject to the provisions referred to in next Chapter or those of orders or ordinances based thereon pursuant to the provisions of Article 3, paragraph (2)), it may order the owner, custodian or occupant of the relevant building or its site for the demolition, relocation, rebuilding, addition, repair, remodeling, prohibition or restriction of use of the relevant building or other measures necessary to preserve public safety or to keep sanitation, giving an appropriate grace period.

(4) The provisions of Article 9, paragraphs (2) through (9) and paragraphs (11) through (15) shall apply mutatis mutandis in cases as specified in the preceding 2 paragraphs.

(Measures concerning Buildings Not in Conformity to Provisions of Chapter III)

Article 11 (1) When the Designated Administrative Agency finds that the site, construction or building equipment, or use of a building (limited to those for which the relevant building is not subject to the provisions of Chapter III or those referred to in orders or ordinances based thereon pursuant to the provisions of Article 3, paragraph (2) (including cases where it applies mutatis mutandis in Article 86-9, paragraph (1)), conspicuously spoils the public interests, it may, only after consent has been obtained from the assembly of the municipality where the relevant building is located, orders the owner, custodian or occupant of the relevant building, giving an appropriate grace period, for the demolition, relocation, repair, remodeling, prohibition or restriction of use of the relevant building. In this case, the municipality where the relevant building is located must compensate for the loss to be normally expected by the measures taken based on that order, at the current market price.

(2) If a person entitled to compensation under the preceding paragraph objects to the determined amount of compensation, such person may ask, within one month from the day on which such person have received the notice of that amount, for a ruling by the Expropriation Committee under Article 94, paragraph (2) of the Expropriation of Land Act (Act No. 219 of 1951) in accordance with the procedure specified by Cabinet Order.

(Reports, Inspections)

Article 12 (1) The owner (the custodian if the owner and the custodian are different persons; the same in paragraph (3)) of a building as mentioned in Article 6, paragraph (1) item (i) that has been specified by Cabinet Order as being particularly important for safety, fire prevention, or sanitation (excluding buildings owned or managed by the state, prefectures, or a municipality that has building officials, referred to in this paragraph and paragraph (3) as "buildings of the state, etc.") or a designated building other than one specified by the relevant Cabinet Order (defined as a building set forth in that item and other buildings as specified by Cabinet Order, the same in the remainder of this Article) must have the site, structure, and building equipment inspected periodically (including inspections of damage, corrosion, and other deterioration to the building site and structure, excluding inspections of building equipment, fire doors, and other fire prevention equipment in the building, as specified by Cabinet Order (hereinafter referred to as "building equipment, etc.") by a 1st-class Kenchikushi, a 2nd-class Kenchikushi, or a person certified as a qualified building inspector (referred to in the following paragraph and paragraph (3) of the next Article as "building inspectors") and report the inspection results to the Designated Administrative Agency, as specified by Ministry of Land, Infrastructure, Transport and Tourism Order.

(2) Head of a body of the State, a prefecture, or a municipality that is the custodian of a designated building (limited to buildings mentioned in Article 6, paragraph (1), item (i) and other buildings specified by Cabinet Order in the preceding paragraph) owned or managed by the State, a prefecture, or a municipality that has building officials, or a person delegated by the head (below in this Chapter referred to as, "head, etc. of the national government organs"), must have a 1st-class Kenchikushi, a 2nd-class Kenchikushi or a building inspector periodically check the state of damage, corrosion, and other deterioration of the site and construction of the relevant designated building (excluding inspections of building equipment, fire doors, and other fire prevention equipment in the building in paragraph (4)), as specified by Ministry of Land, Infrastructure, Transport and Tourism Order. Provided, however, that these requirements shall not apply to designated buildings

(excluding buildings designated under the provisions of Cabinet Order as mentioned in the preceding paragraph as being particularly important in relation to safety, fire prevention, and sanitation, set forth in Article 6, paragraph (1), Item (i), and designated by a Designated Administrative Agency pursuant to the provisions of the provision of that paragraph) that have been designated by a Designated Administrative Agency, with the consent of the Building Review Council, as causing no hindrance in relation to safety, fire prevention, or sanitation.

- (3) The owners of designated building equipment, etc. (defined as elevatory systems and building equipment, etc., other than elevatory systems in designated buildings, the same in this paragraph and the next) specified by Cabinet Orders as being particularly important for safety, fire prevention, or sanitation, and designated building equipment, etc. (excluding items installed in government buildings, etc.) and other than those specified by the relevant Cabinet Order (excluding items installed in government buildings, etc.) which has been designated by a Designated Administrative Agency, must have the relevant equipment inspected periodically (including inspection of the building equipment, etc., for damage, corrosion and other deterioration) by a 1st-class Kenchikushi, a 2nd-class Kenchikushi or a person certified as a qualified inspector (referred to as "inspector of building equipment, etc." in the next paragraph and in Article 12-3, paragraph (2)) and report the results to the Designated Administrative Agency.
- (4) The head, etc. of the national government organs must have a 1st-class Kenchikushi, a 2nd-class Kenchikushi or an inspector of building equipment, etc. periodically inspect designated building equipment, etc. for damage corrosion, or other deterioration, of elevatory system in a building owned or managed by the State, a prefecture, or a municipality that has building officials and building equipment other than elevatory system in a building of the State, a prefecture or a municipality having building officials (limited to buildings mentioned in Article 6, paragraph (1), item (i) and other buildings specified by Cabinet Order in paragraph (1)), as specified by Ministry of Land, Infrastructure, Transport and Tourism Order. Provided, however, that these requirements shall not apply to designated building equipment, etc. (excluding items specified by Cabinet Order referred to in the preceding paragraph, and items designated by the Designated Administrative Agency pursuant to the provisions of that paragraph) that have been designated by a Designated Administrative Agency, with the consent of the Building Review Council, as causing no hindrance in relation to safety, fire prevention, or sanitation.
- (5) The Designated Administrative Agency, a building official or building surveillant may request the following parties a report on the site, construction, building equipment the use of a building, the receipt or delivery of materials,

building equipment or other building parts (hereinafter referred to as "building materials, etc."), or on the scheme of construction work or progress of construction work on a building, or on the progress of surveys relating to the building site, structure, or building equipment (hereinafter referred to as "building-related surveys").

(i) owner, custodian, or occupant of the building or its site, building owner, designer, manufacturers of construction materials, etc., the construction superintendent or construction executor or a person who conducted a survey relating to the building;

(ii) designated confirmation and inspection body in Article 77 –21, paragraph (1);

(iii) designated structural calculation conformity review body in Article 77-35-5, paragraph (1).

(6) A Designated Administrative Agency or building official may require the owner, manager, or occupant of a building or site, a building owner, a designer, a manufacturer of building materials, etc., a construction superintendent, a construction executor, or a person who conducted a survey relating to the building, to submit ledgers, documents, and other objects as required for the enforcement of the provisions referred to in Article 6, paragraph (4); Article 6-2, paragraph (6); Article 7, paragraph (4); Article 7-3, paragraph (4); Article 9, paragraph (1) and 10; or Article 13; Article 10, paragraphs (1) through (3); paragraph (1) of the preceding Article; or Article 90-2, paragraph (1); and a building surveillant may as required for the enforcement of the provisions referred to in Article 9, paragraph (10).

(7) In limits necessary for a building official or that official of a city, town, village or a prefecture as ordered by the Designated Administrative Agency or entrusted by a building official, to perform execution under Article 6, paragraph (4); Article 6-2, Paragraph (6); Article 7, paragraph (4); Article 7-3, paragraph (4); Article 9, paragraphs (1), (10), or (13), Article 10, paragraphs (1) to (3); paragraph (1) of the preceding Article; or Article 90-2, paragraph (1); or in limits necessary for a building surveillant to perform execution under Article 9, paragraph (10); such person may enter the building concerned, its site, the factory, sales premises, offices, warehouse, or other place of business of the person who manufactured the construction materials, etc., or the sales premises, office, or other places of business of the person who carried out surveys relating to the construction work or building, and inspect or examine the building, its site, building equipment, building materials, objects related to the manufacture of building materials, etc., drawings/specifications, and other objects related to construction work on the building, or objects pertaining to surveys concerning the building, or may question the owner, custodian, or occupant of the building or its site, building owner or designer, superintendent,

construction executor, or the person who manufactured the construction materials, etc., the construction superintendent, or a person who conducted surveys relating to the building, on any necessary items. Provided, however, that in entering a dwelling, such person must obtain the consent of the dweller in advance.

- (8) The Designated Administrative Agency must prepare the official books concerning the site, construction, building equipment, or use of a building subject to confirmation or other actions under building standard laws and regulations and reports under paragraphs (1) and (3), and must retain the relevant official books (including documents concerning the relevant action and the relevant reports that are specified by Ministry of Land, Infrastructure, Transport and Tourism Order).
- (9) The retention period and other necessary items concerning the retention of items recorded in the official books mentioned in the preceding paragraph, other items required for the preparation of the relevant official books, and the official records (including documents specified by Ministry of Land, Infrastructure, Transport and Tourism Order in that paragraph) shall be specified by Ministry of Land, Infrastructure, Transport and Tourism Order.

(Building Surveyor Qualification Certificate)

Article 12-2 (1) The Minister of Land, Infrastructure, Transport and Tourism shall issue building surveyor qualification certificates to persons to whom comes under any of the following items.

- (i) a person who has completed a course of study relating to surveys as defined in paragraph (1) of the preceding Article and inspections (referred to as "surveys, etc." in Paragraph (3), item (iii)) as defined in paragraph (2) of the preceding Article, as specified by Ministry of Land, Infrastructure, Transport and Tourism Order;
- (ii) a person deemed by the Minister of Land, Infrastructure, Transport and Tourism to possess specialized knowledge and capabilities equivalent to or better than those of a person set forth in the preceding item.
- (2) Irrespective of the provisions of the preceding paragraph, the Minister of Land, Infrastructure, Transport and Tourism may decline to issue building surveyor qualification certificates to parties coming under any of the following items.
- (i) a Minor;
- (ii) a person who has been sentenced to punishment pursuant to the provisions of building standard laws and regulations and for whom two years have not yet elapsed since the date on which relevant execution has been completed or has become no longer subject to execution;
- (iii) a person who has been ordered to return building surveyor qualification

- certificates pursuant to the provisions of the following paragraph (except Item (ii)), and for whom one year have not yet elapsed since the relevant date;
- (iv) a person who has been specified by Ministry of Land, Infrastructure, Transport and Tourism Order as a person who is incapable of performing the surveys, etc. appropriately due to mental or physical incapacitation.
- (3) If the Minister of Land, Infrastructure, Transport and Tourism finds that a building surveyor falls under any of the following items, the Minister may order the relevant surveyor to surrender of which building surveyor qualification certificate.
- (i) if the person has committed a violation of this Act or orders based thereon;
 - (ii) if the circumstances defined in item (iii) or (iv) of the preceding paragraph applies;
 - (iii) if the person has acted in bad faith in relation to surveys, etc.;
 - (iv) if deceit or other dishonest means were used to obtain a building surveyor qualification certificate.
- (4) The procedures for obtaining a building surveyor qualification certificate and other essential items pertaining to building surveyor qualification certificates are specified by Ministry of Land, Infrastructure, Transport and Tourism Order.

(Building Equipment Inspector Qualification Certificate)

- Article 12-3 (1) The types of building equipment, etc., inspector qualification certificates are specified by Ministry of Land, Infrastructure, Transport and Tourism Order.
- (2) The types of building equipment, etc., that a building equipment, etc., inspector can inspect under the provisions of Article 12, paragraph (3) or examine under the provisions of paragraph (4) of that Article (referred to as "inspections, etc." in item (i) of the following paragraph) are specified by Ministry of Land, Infrastructure, Transport and Tourism Order.
- (3) The Minister of Land, Infrastructure, Transport and Tourism will issue building equipment, etc., inspector qualification certificates to parties coming under any of the following items.
- (i) a person who has completed courses of study relating to inspections, etc., as specified by Ministry of Land, Infrastructure, Transport and Tourism Order for each category of building equipment, etc., inspector qualification certificate;
 - (ii) a person deemed by the Minister of Land, Infrastructure, Transport and Tourism to possess specialized knowledge and capabilities equivalent to or better than those of a person set forth in the preceding item.
- (4) The provisions of paragraphs (2) through (4) of the preceding Article shall

apply mutatis mutandis to building equipment, etc., inspector qualification certificate. In this case, "the preceding paragraph" in paragraph (2) of the preceding Article will be read as "paragraph (3)" of the following Article", and "surveys, etc." in item (iv) of that paragraph and paragraph (3), item (iii) of that Article as "inspections, etc., as provided for in paragraph (2) of the following Article.

(Carrying Identification Card)

Article 13 (1) When a building official, building surveillant or that official of a city, town, village or a prefecture as ordered by the Designated Administrative Agency or entrusted by a building official enters a building, its site or construction field under the provisions of Article 12, paragraph (7), or where a building surveillant exercises the authority under Article 9-2 (including cases where this Article applies mutatis mutandis in Article 90, paragraph (3)), the official or surveillant must carry an identification card showing the status and present it to any concerned persons.

(2) The authority under Article 12, paragraph (7) must not be construed as being granted for the purpose of criminal investigation.

(Recommendation, Advice or Assistance of Prefectural Governor or Minister of Land, Infrastructure, Transport and Tourism)

Article 14 (1) The head of a municipality having building officials may ask the prefectural governor or the Minister of Land, Infrastructure, Transport and Tourism for any necessary advice or assistance relating to the enforcement of this Act, or the prefectural governor may ask the Minister therefor.

(2) The Minister of Land, Infrastructure, Transport and Tourism may give necessary recommendations, advice or assistance relating to the enforcement of this Act or furnish necessary materials to the Designated Administrative Agency, or the prefectural governor may give it or furnish them to the head of a municipality having building officials.

(Notification and Statistics)

Article 15 (1) If a building owner intends to construct a building or a person engaged in the demolition work of buildings intends to demolish a building, such persons must notify the prefectural governor to that effect through the building official. Provided, however, that this shall not apply if the aggregate of floor areas of the relevant building or of its parts subject to the work concerned is 10 square meters or less.

(2) Notwithstanding the provisions of the preceding paragraph, the construction or demolition of the building in that paragraph, the notification in that paragraph in a case that corresponds to seismic retrofitting in item (i) or

demolition and construction in item (ii) must be transmitted, when the competent administrative authority with jurisdiction provided for in that item is the prefectural governor, directly to the relevant prefectural governor, and when it is the head of the municipality, through the head of the relevant municipality:

- (i) in the case of applying to the administrative authority with jurisdiction in Article 2, paragraph (3) of the Act on Promotion of Seismic Retrofitting of Buildings (Act No. 123 of 1995) is requested to approve a plan for seismic retrofitting (limited to rebuilding or addition) of a building pursuant to the provisions of Article 17, paragraph (1) of that Act, the relevant seismic retrofitting;
 - (ii) in a case where the competent administrative authority with jurisdiction under the provisions of Article 4, paragraph (1) of the Concentrated Urban Areas Development Act is requested to approve a demolition and construction plan under the provisions of that paragraph, the relevant demolition and construction.
- (3) The head of a municipality must report it to the prefectural governor, if a building within the area of the relevant city, ward, town, or village has been lost or destroyed due to a fire, earthquake, flood, storm or other disaster. Provided, however, that this shall not apply if the aggregate of floor areas of the lost building or destroyed parts of the damaged building is 10 square meters or less.
 - (4) The prefectural governor must prepare building statistics and forward them to the Minister of Land, Infrastructure, Transport and Tourism, and must retain the relevant documents for the period specified by Ministry of Land, Infrastructure, Transport and Tourism Order, on the basis of the notification and report under the preceding three paragraphs.
 - (5) Procedures for the notification and report, and the preparation and forwarding of building statistics under the preceding each paragraph, shall be specified by Ministry of Land, Infrastructure, Transport and Tourism Order.

(Reports, Inspections)

Article 15-2 (1) If the Minister of Land, Infrastructure, Transport and Tourism finds it specifically necessary in order to achieve the aims of Article 1, the Minister may request the owner, manager, or occupant of a building or site, a building owner, a designer, a manufacturer of building materials, etc., a construction superintendent, a construction executor, the parties that have conducted a survey relating to the building, the parties that have obtain type-approval (referred to in the remainder of this paragraph as "type-approval, etc.") in Article 68-10, paragraph (1), approval in Article 68-25, paragraph (1), or special structural methods approval in Article 68-26 to submit reports,

ledgers, documents, and other objects relating to building site, structures, or building equipment, or use thereof, the receipt or delivery of building materials, etc., or the progress of surveys relating to plans for work relating to the building, or the construction of the building, or require staff to enter the building, the building site, the plant of the parties that have manufactured the building materials, etc., sales premises, offices, warehouses and other places of business, building construction sites, sales premises of the parties that have conducted a survey relating to the building, offices, and other places of business, or other places of business of parties that have obtained type-approval, etc., in order to inspect the building, the building site, building equipment, building materials, objects relating to the manufacturer of the building materials, etc., drawing/specifications, and other objects pertaining to work relating to the building, objects pertaining to surveys relating to the building, or objects relating to type-approval, etc., or have the owner, manager, or occupant of the building site, the building owner, the designer, the manufacturer of building materials, etc., the construction superintendent, the construction executor, or parties that have obtained type-approval, etc., ask questions about essential information. Provided, however, that prior notice must be given to residents before entering a residential property.

- (2) Staff that enter premises to carry out inspections pursuant to the provisions of the preceding paragraph must carry identification cards and display them to those concerned.
- (3) The authority under paragraph (1) must not be construed as being granted for the purpose of criminal investigation.

(Report to the Minister of Land, Infrastructure, Transport and Tourism or Prefectural Governor)

Article 16 The Minister of Land, Infrastructure, Transport and Tourism may ask the Designated Administrative Agency for the submission of reports or statistical materials necessary for the enforcement of this Act, or the prefectural governor may ask the head of a municipality having building officials therefor.

(Supervision of Designated Administrative Agencies)

Article 17 (1) When the actions taken by a building official of a prefecture or a municipality are in violation of the provisions of this Act or those of orders based thereon, or that a building official of a prefecture or a municipality is negligent in taking the actions specified in the relevant provisions, if the Minister of Land, Infrastructure, Transport and Tourism finds it necessary with regard to a building that has a significant relationship to the interests of the Nation, the Minister may instruct the relevant prefectural governor or the

head of the municipality to set a deadline and to order the building official of the prefecture or the municipality to take necessary measures.

- (2) If the actions taken by a building official of a prefecture are in violation of the provisions of this Act or those of orders based thereon, or that a building official of a prefecture is negligent in taking the actions specified in the relevant provisions, if the Minister of Land, Infrastructure, Transport and Tourism finds that these violations or negligence seriously harm to the lives or physical safety of large number of people, the Minister may instruct the relevant prefectural governor to set a deadline and to order the building official of the prefecture to take necessary measures.
- (3) If the actions taken by a building official of a municipality are in violation of the provisions of this Act or those of orders based thereon, or that a building official of a municipality is negligent in taking the actions specified in the relevant provisions, if the prefectural governor finds that these violations or negligence seriously harm to the lives or physical safety of large number of people, the prefectural governor may instruct the head of the relevant municipality to set a deadline and to order the building official of the municipality to take necessary measures.
- (4) When the prefectural governor fails to issue orders under the case of the preceding paragraph, the Minister of Land, Infrastructure, Transport and Tourism may personally issue those orders.
- (5) A prefectural governor or the head of a municipality must obey the instructions given by the Minister of Land, Infrastructure, Transport and Tourism or the prefectural governor pursuant to the provisions of the preceding paragraphs, unless there are justifiable grounds.
- (6) A building official of a prefecture or of a municipality must obey the orders given by the prefectural governor or the head of the municipality in response to the instructions under paragraph (1) to paragraph (4), unless are justifiable grounds.
- (7) If a prefectural governor or the head of a municipality has not obeyed the instruction under paragraph (1) by a designated deadline without justifiable grounds, or cases where the building official of a prefecture or of a municipality has not obeyed an order of a prefectural governor or the head of a municipality based on an instruction by the Minister of Land, Infrastructure, Transport and Tourism under paragraph (1) by a designated deadline without justifiable grounds, the Minister of Land, Infrastructure, Transport and Tourism may take necessary measures for the relevant instructions after obtaining confirmation from the Council for Social Infrastructure that there is no justifiable ground.
- (8) When a prefectural governor or the head of a municipality is in violation of the provisions of this Act or those of orders based thereon, or is negligent in

taking the actions specified in the relevant provisions, if the Minister of Land, Infrastructure, Transport and Tourism finds it necessary with regard to a building that has a significant relationship to the interests of the Nation, the Minister may instruct the relevant prefectural governor or the head of the municipality to set a deadline and to take necessary measures.

- (9) When a prefectural governor is in violation of the provisions of this Act or those of orders based thereon, or is negligent in taking the actions specified in the relevant provisions, if the Minister of Land, Infrastructure, Transport and Tourism finds that these violations or negligence seriously harm to the lives or physical safety of large number of people, the Minister may instruct the prefectural governor to set a deadline and to take necessary measures.
- (10) When the head of a municipality is in violation of the provisions of this Act or those of orders based thereon, or is negligent in taking the actions specified in the relevant provisions, if the prefectural governor finds that these violations or negligence seriously harm to the lives or physical safety of large number of people, the prefectural governor may instruct the relevant mayor of municipality to set a deadline and to take necessary measures.
- (11) The provisions of paragraphs (4) and (5) shall apply mutatis mutandis in the cases referred to in the preceding three paragraphs. In this case, the term, "of the preceding paragraphs" in paragraph (5) shall be replaced with, "of paragraph (4) applied mutatis mutandis in paragraphs (8) through (10) or paragraph (11)".
- (12) If or the head of a municipality has not obeyed the instruction under paragraph (8) by a designated deadline without justifiable grounds, the Minister of Land, Infrastructure, Transport and Tourism may take necessary measures for the relevant instructions after obtaining confirmation from the Council for Social Infrastructure that there is no justifiable ground.

(Special Rules regarding Procedures for Confirmation, Inspection or Corrective Measures for Buildings of State, Prefecture, or Municipality Having Building Officials)

- Article 18 (1) With respect to buildings and building sites of the State, a prefecture, or a municipality having building officials, the provisions of Articles 6 through 7-6, Articles 9 through 9-3 and Article 10 and Article 90-2 shall not apply. In this case, the provisions of the next paragraph through paragraph (25) shall apply.
- (2) If the State, a prefecture, or a municipality having building officials intends to construct a building or make major repair or remodeling under Article 6, paragraph (1), the head, etc. of the national government organs must notify the building official concerned of the plan prior to the start of the construction work therefor. Provided, however, this shall not apply if the building owner

intends to add, rebuild or relocate the building to an area outside of a Fire Prevention District or of a Quasi-fire Prevention District (limited to those for which the parts related to the relevant addition, rebuilding or relocation of the relevant building have an aggregate floor area of 10 square meters or less).

- (3) The building official must examine the plan for the building as notified as to whether it conforms to the provisions related to building regulation (when a notice has been received concerning the construction, major repair, or major remodeling of a building set forth in item (i) or (ii) of Article 6-4, paragraph (1), or the construction of a building set forth in item (iii) of that paragraph, the provisions related to building regulation provided for in Article 6, paragraph (1) as applied by replacing phrases therein pursuant to the provisions of that paragraph; the same in this paragraph and paragraph (14) within that period as specified in Article 6, paragraph (4). In addition, based on the results of the inspection, if it has been confirmed that the relevant plan conforms to the provisions related to building regulation, the building official shall issue a certificate of completion of confirmation to the head, etc. of the national government organs that issued the relevant notice, after having received the notice in the preceding paragraph.
- (4) In the case of paragraph (2), if the plan for the building specified in the notice in that paragraph requires the review specified in the preceding paragraph as to whether the plan for the building conform to the designated structural calculation standards or designated structural calculation standards for additions and remodeling based on the content of a notice, the head, etc. of the national government organs must notify the prefectural governor the relevant plan for the building and request the structural calculation conformity review. Provided, however, that this requirement shall not apply if a building official satisfying requirements specified by Ministry of Land, Infrastructure, Transport and Tourism Order under the proviso of Article 6-3, paragraph (1) conducts review specified in the preceding paragraph whether or not the plans for the relevant building conform to the designated structural calculation standards (limited to parts relating to safety characteristics that can be confirmed by structural calculations in accordance with the standards specified by Cabinet Order referred to in Article 20, paragraph (1), item (ii), (a), using the method provided for in that item, and which are specified by Cabinet Order as the parts for which the review specified in the preceding paragraph is relatively simple) or the designated structural calculation standards for additions and remodeling (limited to those for which the review specified in that paragraph is relatively simple).
- (5) If a prefectural governor receives an application as defined in the preceding paragraph, and a building official located in the relevant prefecture will carry out the review provided for in paragraph (3) to determine whether or not the

plan for the building conforms to the relevant provisions of the building standards, the relevant prefectural governor must not allow the relevant building official to engage in affairs relating to the structural calculation review pertaining to the relevant notice.

- (6) If a prefectural governor finds it necessary to perform the structural calculation conformity review in paragraph (4) for the plan for a building with a special construction method, the prefectural governor hears the opinions of parties with expert knowledge concerning the structural calculation of the relevant construction method.
- (7) When a prefectural governor has received a notice as referred to in paragraph (4), the prefectural governor must issue a written notice of the results of the structural calculation review referred to in the relevant notice to the head, etc., of the national government organs, within fourteen days from the day that the relevant structural calculation conformity review was requested.
- (8) In the case of the preceding paragraph (limited to those for which a review is requested to ascertain whether or not the plan for the building relating to the notice in paragraph (4) conforms to the designated structural calculation standards (limited to parts relating to the safety that can be confirmed by structural calculations in accordance with the standards specified by Cabinet Order referred to in Article 20, paragraph (1), item (ii), (a), using the method provided for in (a) of that item) and other cases specified by Ministry of Land, Infrastructure, Transport and Tourism Order), there are reasonable grounds why the prefectural governor cannot issue the written notice in that paragraph to the head, etc., of the national government organs that submitted the notice within the period in the preceding paragraph, the prefectural governor may extend the period to 35 days. In this case, the prefectural governor must issue a written notice stating this fact and the period of the extension, and the reason for the extension of the period to head, etc., of the national government organs that gave the notice within the period in that paragraph.
- (9) In the case of paragraph (7), if there are justifiable grounds to be unable to decide whether the plan for the building conform to the designated structural calculation standards or designated structural calculation standards for additions and remodeling based on information in a notice in paragraph (4), the prefectural governor must issue a written notice stating this fact and the reasons to the head, etc. of the national government organs that made the relevant notice within the period in paragraph (7) (when the period in paragraph (7) has been extended pursuant to the provisions of the preceding paragraph, the period after the relevant extension).
- (10) If the head, etc., of the national government organs receives a written notice pursuant to the provisions of paragraph (7) and the relevant notice is a conformance review notice, the relevant conformance review notice or a copy

thereof must be provided to the building official that conducts examination under paragraph (3). Provided, however, that this requirement shall not apply if a written notice relating to the relevant plan for the building has been issued under the provisions of Article 14.

- (11) The head, etc. of the national government organs must submit a conformity review notice or a copy thereof to the building official no later than three days before the final day of the period in paragraph (3) (if the period in paragraph (3) has been extended pursuant to the provisions of paragraph (13), the extended period), under the case of the preceding paragraph.
- (12) In the case of paragraph (3), if a structural calculation review under the provisions of paragraph (4) is required for the plan for the building specified in the notice in paragraph (2), the building official may issue a certificate of completion of confirmation in paragraph (3), if and only if a conformity review notice or a copy thereof has been received from the head, etc., of the national government organs.
- (13) In the case in paragraph (3) (limited to those for which a review to be performed as to whether the plan for the building specified in the notice in paragraph (2) conforms to the designated structural calculation standards (limited to parts relating to the safety that can be confirmed by structural calculations in accordance with the standards specified by Cabinet Order referred to in Article 20, paragraph (1), item (ii), (a), using the method provided for in (a) of that item) and other cases specified by Ministry of Land, Infrastructure, Transport and Tourism Order), when there are reasonable grounds why the building official cannot issue the certificate of completion of confirmation in that paragraph to the head etc. of the national government organs that issued the relevant notice, by the end of the period in paragraph (3), the building official may extend the period in that paragraph within a range of thirty-five days. In this case, the prefectural governor must issue a written notice stating this fact and the period of the extension, and the reason for the extension of the period to head, etc., of the national government organs that gave the notice within the period in that paragraph.
- (14) In the case of paragraph (3), if the building official concludes that the plan for the building in a notice in paragraph (2) does not conform to the provisions related to building regulation, or if there are justifiable grounds to be unable to decide whether it conforms to the provisions related to building regulation, the building official must issue a written notice stating this fact and the reasons to the head, etc. of the national government organs that made the relevant notice within the period in paragraph (3) (when the period in paragraph (3) has been extended pursuant to the provisions of the preceding paragraph, the period after the relevant extension).
- (15) The construction, major repair, or major remodeling of a building as notified

under paragraph (2) shall not be executed before a certificate of completion of confirmation in paragraph (3) has been received.

- (16) The head, etc. of the national government organs must notify the building official concerned to that effect within four days from the day of that completion, upon completion of the construction work concerned.
- (17) When a building official has received a notice under the preceding paragraph, the building official, etc. must inspect the building and its site as notified as to whether they conform to the provisions related to building regulation (when a notice has been received concerning the construction, major repair, or major remodeling of a building provided for in Article 7-5, the provisions related to building regulation provided for in Article 6, paragraph (1) as applied by replacing phrases therein pursuant to the provisions of Article 6-4, paragraph (1); the same in this Article) within seven days from the day of receipt of the relevant notice.
- (18) The building official, etc. must give the head, etc. of the national government organs a certificate of final inspection, after having made an inspection under the preceding paragraph and confirming that the relevant building and its site conform to the provisions related to building regulation.
- (19) When the relevant construction work includes a designated construction process which has been completed, the head, etc. of the national government organs must notify the building official to that effect so that the building official receives the notice within four days of that day, on all that occasions.
- (20) When a building official has received a notice under the preceding paragraph, the building official, etc. must inspect the building under construction in the relevant notice as to whether parts of the relevant building and its site executed prior to the inspection of the building conforms to the provisions related to building regulation within four days after receiving the notice.
- (21) When the building official, etc. has performed an inspection under the preceding paragraph and has confirmed the fact that the building, etc. under construction work conforms to the provisions related to building regulation, the building official, etc. must issue a certificate of interim inspection concerning the relevant special construction process to the head, etc. of the national government organs. as specified by Ministry of Land, Infrastructure, Transport and Tourism Order.
- (22) Construction work which follows a designated construction process must not be executed until the certificate of interim inspection concerning the relevant designated construction process under the preceding paragraph has been issued.
- (23) When a building official performs an inspection under paragraph (17) or (20) of a building etc. under construction of which parts' conformity with the provisions related to building regulation has been confirmed by an inspection

under paragraph (20), it shall not be necessary to perform an inspection under that paragraph of the parts of the building and its site that were confirmed to be in conformity with the provisions related to the building regulations by an inspection under that paragraph.

(24) If buildings as mentioned in Article 6, paragraph (1) items (i) through (iii) are newly constructed, or where construction work for the addition, rebuilding, relocation, major repair or major remodeling of those buildings (excluding houses other than apartment houses and buildings which have no habitable rooms) includes construction work on evacuation facilities, etc., no person shall use or cause to be used the building pertaining to the relevant new building or the building or its parts subject to construction work on evacuation facilities, etc. until that person obtains a certificate of final inspection under paragraph (18). Provided, however, that in cases of any of the following items, that person may use or let someone use the relevant building or its parts temporarily even before obtaining the certificate of inspection:

(i) where the Designated Administrative Agency has determined that there is no objection from the viewpoint of safety, fire prevention, or evacuation;

(ii) if a building official deems that conformity to the standards defined by the Minister of Land, Infrastructure, Transport and Tourism has been achieved on the basis that there is no objection from the viewpoint of safety, fire prevention, or evacuation;

(iii) where seven days have elapsed from the day on which the notice under paragraph (16) was made.

(25) If the Designated Administrative Agency concludes that a building or its site of the State, a prefecture, or a municipality having building officials falls under the provisions of Article 9, paragraph (1), Article 10, paragraph (1) or (3) or Article 90-2, paragraph (1), it must immediately notify head, etc. of the national government organs in charge of the relevant building or its site, to that effect, and request to take the necessary measures set forth in the relevant provisions.

(Performance of a Structural Calculation Review by a Designated Structural Calculation Review Body)

Article 18-2 (1) A prefectural governor may have a person designated by the prefectural governor or Minister of Land, Infrastructure, Transport and Tourism in accordance with the provisions referred to in Articles 77-35-2 through 77-35-5 to perform all or part of the structural calculation conformity review under the provisions of Article 6-3, paragraph (1) and paragraph (4) of the preceding Article.

(2) Designation under the preceding paragraph shall be performed by the Minister of Land, Infrastructure, Transport and Tourism if the person

designated will engage in structural calculation review work under that paragraph in an area spanning two or more prefectures, or by the prefectural governor if the person designated will engage in structural calculation review work under that paragraph in an area in one prefecture.

- (3) If a prefectural governor decides to have all or part of structural calculation conformity review work carried out by a person designated under paragraph (1), the prefectural governor shall not carry out all or part of the relevant structural calculation conformity review work.
- (4) In applying the provisions referred to in Article 6-3, paragraph (1) and paragraphs (3) through (6), and paragraph (4) and paragraphs (6) through (9) of the preceding Article in a case where a person designated under paragraph (1) performs a structural calculation conformity review, "prefectural governor" in these provisions shall be read as "person designated under Article 18-2, paragraph (1)."

(Guidelines Concerning Confirmation Examination)

Article 18-3 (1) The Minister of Land, Infrastructure, Transport and Tourism must provide a guideline concerning confirmation examination, etc., in order to ensure that an examination under Article 6, paragraph (4) and Article 18, paragraph (3) (including cases where these provisions are applied mutatis mutandis in Article 87, paragraph (1), Article 87-2, and Article 88, paragraphs (1) and (2)), an examination to perform a confirmation under Article 6-2 paragraph (1) (including cases where these provisions are applied mutatis mutandis in Article 87, paragraph (1), Article 87-2, and Article 88, paragraphs (1) and (2)), the structural calculation conformity review under Article 6, paragraph (5), Article 6-3, paragraph (1), and Article 18, paragraph (4), the inspection under Article 7, paragraph (4), Article 7-2, paragraph (1) and Article 18, paragraph (17) (including cases where these provisions are applied mutatis mutandis in Article 87-2 and Article 88, paragraphs (1) and (2)), and the inspection under the provisions of Article 7-3, paragraph (4), Article 7-4, paragraph (1), and Article 18, paragraph (20) (including cases where these provisions are applied mutatis mutandis in Article 87-2 and Article 88, paragraph (1)) (referred to as "confirmation examination, etc." hereinafter in this Article and in Article 77-62, paragraph (2) item (iii)) are performed fairly and appropriately.

- (2) When the Minister of Land, Infrastructure, Transport and Tourism has prescribed the policy of the preceding paragraph or changed it, the Minister must publicize to that effect without delay.
- (3) A confirmation examination, etc. must be performed in conformity with the guideline under paragraph (1) that was the subject of the public notice pursuant to the provisions of the preceding paragraph.

Chapter II Site, Construction and Building Equipment of Buildings

(Sanitation and Safety of Sites)

Article 19 (1) Sites of buildings must be higher than the border of roads adjacent thereto, and ground levels of buildings must be higher than adjacent land lots. Provided, however, this shall not apply if there is no impediment to drainage within the sites or there is no necessity for damp-proofing because of the use of the buildings.

(2) If buildings are to be constructed on damp land, land frequently threatened by flood or land reclaimed with rubbish or other matter similar thereto, fills, an improvement of ground or other measures necessary for sanitation or safety must be taken.

(3) Sites of buildings must have proper sewer pipelines, sewer channels, manholes and other facilities similar thereto for the purpose of draining and disposing of rainwater and wastewater.

(4) If buildings are likely to be damaged by landslides, etc., retaining walls shall be constructed and other appropriate measures for safety must be taken.

(Structural Capacity)

Article 20 (1) Buildings shall conform to the following criteria provided for in the following items respectively according to classification of the building set forth in each of following items specified below as being structurally safe from dead load, live load, snow load, wind load, ground pressure and water pressure, and earthquakes or other vibration or impact.

(i) building higher than 60 meters: It shall conform to technical criteria established by Cabinet Order concerning structural methods necessary for safety of the relevant building. In this case, its structural method shall be approved by the Minister of Land, Infrastructure, Transport and Tourism as a structural method of which safety has been confirmed by structural calculations that conform with criteria specified by Cabinet Order such as clarifying forces and deformation produced continuously in each part of the building by loads and external forces;

(ii) of buildings lower than 60 meters, buildings set forth in Article 6, paragraph (1), item (ii) (limited to those with height higher than 13 meters or eave height higher than 9 meters) or buildings set forth in item (iii) of that paragraph (limited to steel structure buildings with four or more stories excluding the basements, reinforced concrete structure or steel encased reinforced concrete structure buildings with height higher than 20 meters and other buildings specified by Cabinet Order as equivalent to these buildings): it shall conform with one of the following criteria;

- (a) it conforms to the technical criteria established by Cabinet Order concerning structural methods necessary for the safety of the relevant building. In this case, this structural method shall have safety confirmed by structural calculations that conform with criteria such as clarifying the horizontal deformation produced in each story of the above ground part of the building by earthquake force or other criteria specified by Cabinet Order, and is based either on a method that has been established by the Minister of Land, Infrastructure, Transport and Tourism or on a program that has been approved by the Minister;
- (b) it conforms to the criteria provided for by the preceding item.
- (iii) of buildings lower than 60 meters, buildings set forth in Article 6, paragraph (1), item (ii) or (iii) and other buildings with their principal structural parts (excluding floors, roofs, and stairways) that are stone structures, brick structures, concrete block structures, plain concrete structure or other structure similar thereto and with height higher than 13 meters or eave height higher than 9 meters (excluding the buildings set forth in the preceding item): It shall conform with one of the following criteria.;
 - (a) it conforms to the technical criteria established by Cabinet Order concerning structural method necessary for the safety of the relevant building. In this case, this structural method shall have safety confirmed by structural calculations that conform with criteria such as confirming that the stress in each main part of structural resistance does not exceed the allowable unit stress or other criteria specified by Cabinet Order, and is based either on a method that has been established by the Minister of Land, Infrastructure, Transport and Tourism or on a program that has been approved by the Minister;
 - (b) it conforms to one of the criteria specified by the preceding two items.
- (iv) building other than the buildings set forth in the preceding three items: it conforms to one of the following criteria.
 - (a) it confirms to technical criteria established by Cabinet Order concerning structural methods necessary for the safety of the relevant building;
 - (b) it conforms to one of the criteria in the preceding three items.
- (2) Even if a building is a single building, for the purpose of applying the standards specified in the preceding paragraph, if the relevant building has two or more parts that are deemed to be separate buildings under the provisions of Cabinet Order, each shall be deemed to be separate buildings for the purpose of applying the provisions referred to in relevant paragraph.

(Principal Building Parts of Large-scale Buildings)

Article 21 (1) Buildings coming under any of the following items (limited to those using wood, plastic or other combustible materials for all or part of their

principal building parts (excluding floors, roofs and stairs) specified by Cabinet Order) shall conform to the technical criteria established by Cabinet Order concerning the performance required for the principal building parts in order to prevent the destruction of relevant buildings or their catching fire during the period that a normal fire will burn (which means the time normally required for a normal fire to be extinguished by firefighting measures according to the construction, building equipment and use of the building), and which use construction methods established by the Minister of Land, Infrastructure, Transport and Tourism or which were approved by the Minister. Provided, however, this shall not apply to buildings that have open space in the area surrounding the building that is effective for the prevention of the spread of fire and conforms to the technical criteria established by Cabinet Order.

(i) buildings with four or more stories, excluding basements;

(ii) buildings exceeding 16 meters in height;

(iii) special buildings for use set forth in column (a), row (5) or (6) of Appended Table 1, exceeding 13 meters in height.

(2) Buildings exceeding 3,000 square meters in total floor area (limited to those for which all or part of the principal building parts (excluding floors, roofs, and stairs) specified by Cabinet Order in the preceding paragraph are made of wood, plastic, or other combustible materials) shall conform to the criteria provided for in any of the following items.

(i) parts must conform to the standards set forth in Article 2, item (ix)-2, (a);

(ii) walls, columns, floors and other building parts or fire doors and other protective assemblies defined in a Cabinet Order (hereinafter referred to as "walls, etc.") must conform to the technical standards specified by Cabinet Order concerning the required performance of walls, etc., in preventing the spread of a normal fire and be effectively separated using construction methods established by the Minister of Land, Infrastructure, Transport and Tourism or was approved by the Minister. The aggregate floor area in each separated area must not exceed 3,000 square meters.

(Roofs)

Article 22 (1) The construction of roofs of buildings within areas designated by the Designated Administrative Agency in urban areas excluding Fire Prevention Districts and Quasi-fire Prevention Districts shall conform to technical criteria established by Cabinet Order according to the construction and the category of use of the building concerning the performance necessary for a roof to prevent the occurrence of a fire in the building caused by burning brands assumed to accompany a normal fire, and which use construction methods established by the Minister of Land, Infrastructure, Transport and Tourism or which were approved by the Minister. Provided, however, that this

shall not apply to the roof except for the part thereof liable to catch fire in the case of tea ceremony houses, summerhouses and other buildings similar thereto or in the case of storerooms, barns and other buildings similar thereto of which total floor area does not exceed 10 square meters, this shall not apply to the roof except for the part thereof liable to catch fire.

(2) When prior to designation under the preceding paragraph, the Designated Administrative Agency must hear the opinion of the Prefectural City Planning Council (if this is done by the Designated Administrative Agency that is the head of a municipality with Municipal City Planning Council, the relevant Municipal City Planning Council; the same applies hereinafter excluding Article 51) with respect to areas within City Planning Areas, and must obtain the consent of the municipality concerned with respect to other areas.

(Exterior Walls)

Article 23 With respect to buildings within urban areas in paragraph (1) of the preceding Article (limited to those which principal building parts specified by Cabinet Order under Article 21, paragraph (1) are made of that combustible materials as wood, plastic, etc. (referred to as "wooden buildings, etc." in Article 25, and Article 61), the part of exterior walls liable to catch fire shall be of earth-plaster wall construction or other construction method which conforms to technical criteria established by Cabinet Order concerning quasi fire-preventive performance (performance required for an exterior wall to effectively prevent fire spreading under the effects of a normal fire occurring in the area surrounding the building) and which uses construction methods established by the Minister of Land, Infrastructure, Transport and Tourism or which was approved by the Minister.

(Measures for Buildings Extending Outside Urban Areas as Specified in Article 22, Paragraph (1))

Article 24 If buildings in urban areas as specified in Article 22, paragraph (1) extend outside thereof, the provisions applicable to buildings in urban areas under that paragraph shall apply to the whole building.

(Exterior Walls of Large-scale Wooden Buildings)

Article 25 With respect to wooden buildings, etc. of which total floor area (or the aggregate of total floor areas if there are two or more wooden buildings etc. on the same site) exceeds 1,000 square meters, the part of exterior walls or soffits liable to catch fire must be of fire preventive construction and roofs must be of construction as specified in Article 22, paragraph (1).

(Fire Walls)

Article 26 Any building exceeding 1,000 square meters in total floor area must be effectively separated by fire walls or fire floors of that construction as is effective for fire safety and the aggregate of floor areas of each separated part shall not exceed 1,000 square meters. Provided, however, that this shall not apply to buildings coming under any of the following items:

- (i) fire-resistive or quasi fire-resistive buildings;
- (ii) sheds of wholesale markets, machinery manufacturing factories or other buildings of which use involves equal or less danger of outbreak of fire than these buildings, which come under either (a) or (b);
 - (a) buildings of which principal building parts are made of noncombustible materials and buildings of similar construction thereto;
 - (b) buildings, which conform to technical criteria necessary for fire safety established by Cabinet Order concerning construction methods, fire safety measures for principal building parts and other items.
- (iii) livestock sheds or other buildings for use specified by Cabinet Order, of which surrounding areas are used for agriculture or are in a similar condition thereto, and which conform to the criteria specified by the Minister of Land, Infrastructure, Transport and Tourism as there is no objection from the viewpoint of evacuation and prevention of the spread of fire, judging from their construction, use, and surrounding conditions.

(Special Buildings that must be Fire-resistive Buildings)

Article 27 (1) The principal building parts of special buildings that come under any of the following items must conform to the technical standards specified by Cabinet Order concerning the performance required to prevent the spread of a normal fire leading to the collapse of the building during the period until the evacuation of all persons in the relevant special building to ground level has been completed, and which uses construction methods established by the Minister of Land, Infrastructure, Transport and Tourism or which was approved by the Minister, and fire doors or other opening protective assemblies (limited to items that meet the technical standards for flame blocking performance as specified by Cabinet Order and which uses construction methods established by the Minister of Land, Infrastructure, Transport and Tourism or which was approved by the Minister) must be installed at openings in exterior walls designated in Cabinet Order as being at risk of the spread of fire from other parts of the building.

- (i) buildings of which floors set forth in column (b) of Appended Table 1 are offered for use set forth in column (a), rows (1) through (4) of the that Table (excluding those with three stories that have a total floor area of less than 200 square meters (limited to those provided with alar equipment in accordance with the technical criteria established by Cabinet Order if the

- stories set forth in column (b) of that Table are intended for use set forth in column (a), row (2) of that Table that is specified by Cabinet Order));
- (ii) parts (limited to visitor seating in the case of row (1) of Appended Table 1, areas on the second floor in the case of rows (2) and (4) of that table, and accommodation facilities for patients in the case of a hospital or clinic) provided for the uses set forth in column (a), paragraphs (1) through (4) of Appended Table 1 with an aggregate floor area that falls into the categories defined in those rows in column (c) of that table;
 - (iii) parts provided for the uses set forth in column (a), row (4) of Appended Table 1 that have an aggregate floor area of 3,000 square meters or more.
 - (iv) buildings for use as theaters, movie theaters or entertainment halls of which main floors are not situated on the first floor. (Limited to those with three stories or less that have a total floor area of less than 200 square meters).
- (2) Special buildings coming under any of the following items must be a fire-resistive building.
- (i) a building in which the aggregate floor area of parts provided for the uses set forth in column (a), row (5) of Appended Table 1 on the third floor or above falls into the category in column (c), row (5) of that table;
 - (ii) floors listed in column (b), row (6) of Appended Table 1 that are provided for the uses set forth in column (a), row (6) of that.
- (3) Special buildings coming under any of the following items must be fire-resistive or quasi fire-resistive buildings (excluding quasi fire-resistive buildings coming under Article 2, item (ix)-3, (b) and as specified by Cabinet Order in the case of buildings for use set forth in column (a), row (6) of Appended Table 1):
- (i) parts provided for the uses set forth in column (a), rows (1) through (4) of Appended Table 1 with an aggregate floor area that falls into the categories defined in those rows in column (d) of that table;
 - (ii) buildings for use as storage or treatment facilities of hazardous materials (excluding those specified by Cabinet Order as those that are not detrimental to fire safety; the same in this item) as specified in row (g), item (iv) of Appended Table 2 (excluding cases where the quantity of hazardous materials to be stored or treated does not exceed the limits specified by Cabinet Order).

(Natural Lighting and Ventilation of Habitable Rooms)

Article 28 (1) Habitable rooms of houses, schools, hospitals, clinics, dormitories, boarding houses, or other buildings similar thereto as specified by Cabinet Order (limited to those for residential use, classrooms of schools, wards of hospitals, and other rooms similar thereto as specified by Cabinet Order) must

have openings such as windows for natural lighting, and the ratio of the area effective for natural lighting to the floor area of those habitable rooms must not be less than 1/7 in the case of houses, and not less than a ratio between 1/5 and 1/10 to be specified by Cabinet Order in the case of other buildings. Provided, however, that this shall not apply to habitable rooms located in basements or underground structures or other habitable rooms similar thereto, or work rooms requiring the adjustment of temperature and humidity or habitable rooms under inevitable circumstances due to their use.

- (2) Habitable rooms must have openings such as windows for ventilation, and the ratio of the area of the part effective for ventilation to the floor area of those habitable rooms must be not less than 1/20. Provided, however, that this shall not apply if ventilation system is provided in compliance with the technical criteria established by Cabinet Order.
- (3) Habitable rooms of special buildings for use set forth in column (a), row (1) of Appended Table 1 or those cooking rooms, bathrooms or other rooms of buildings which are equipped with kitchen ranges, cooking stoves or other equipment or apparatus using flame (excluding those specified by Cabinet Order) must have ventilation system in compliance with the technical criteria established by Cabinet Order.
- (4) Two habitable rooms partitioned by fusuma, shoji or other fittings that can be freely opened shall be considered to be one room in applying the provisions referred to in the preceding three paragraphs.

(Measures to Protect Human Health from the Scattering or Emission of Asbestos and other Substances)

Article 28-2 A building must conform to the following criteria in order to prevent damage to human health by the scattering or emissions of buildings materials made of asbestos and other substances.

- (i) not adding asbestos and other substances specified by Cabinet Order as conspicuously harmful to health (referred to as "asbestos etc." in the following item and in item (iii)) to building materials;
- (ii) Not using building materials to which asbestos etc. has already been added (excluding those specified by the Minister of Land, Infrastructure, Transport and Tourism or those approved by the Minister as those that may not cause the scattering or emission of asbestos etc.);
- (iii) in a building with habitable rooms, in addition to the provisions provided for by the preceding two items, complying with technical criteria established by Cabinet Order for building materials and ventilation system according to a categorization of substances other than asbestos etc., and that are specified by Cabinet Order as those that may cause harm to human health in habitable rooms.

(Habitable Rooms in Basements of Houses)

Article 29 Habitable rooms of houses, classrooms of schools, wards of hospitals, or bedrooms of dormitories provided in basements must conform to technical criteria established by Cabinet Order necessary for sanitation concerning damp-proofing measures for walls or floors and other items.

(Unit Separation Walls in Row Houses and Apartment Houses)

Article 30 (1) Unit separation walls in row houses and apartment houses must conform to the following criteria.

(i) the construction of the separation wall shall conform to the technical criteria established by Cabinet Order concerning the performance of the separation wall required to reduce the sound generated by daily activities from adjoining units so that the sound will not affect anyone's health, and which uses the construction methods established by the Minister of Land, Infrastructure, Transport and Tourism or which was approved by the Minister;

(ii) the separation wall shall extend into attic space or ceiling space.

(2) The provisions of item (ii) of the preceding paragraph shall not apply to if the construction of the ceilings of row houses or apartment houses conforms to the technical criteria established by Cabinet Order concerning the performance that is required of ceilings to reduce the sound generated by daily activities from adjoining units so that the sound will not affect the health of residents, and which uses the construction methods established by the Minister of Land, Infrastructure, Transport and Tourism or which was approved by the Minister.

(Lavatories)

Article 31 (1) Lavatories must not have toilets other than those of flush type (limited to those in which the soil pipes are connected to public sewerage as specified in Article 2, item (iii) of the Sewerage Act) in areas as specified in Article 2, item (viii) of the Sewerage Act (Act No. 79 of 1958).

(2) If the sewerage of lavatories is to be drained into a place other than the public sewerage having a terminal treatment plant as specified in Article 2, item (vi) of the Sewerage Act, wastewater purifiers (limited to those of a construction which conforms to technical criteria established by Cabinet Order concerning wastewater treatment performance (performance of wastewater purifiers necessary to treat wastewater without adversely affecting sanitation) and which uses construction methods established by the Minister of Land, Infrastructure, Transport and Tourism or which was approved by the Minister) must be provided.

(Electrical Equipment)

Article 32 Electrical equipment in buildings must be installed by a method as specified in those provisions of laws or orders based thereon which pertain to the safety and fire prevention of buildings concerning electrical structures.

(Lightning Conductors)

Article 33 Buildings exceeding 20 meters in height must have lightning conductors in an effective manner. Provided, however, that this shall not apply if there is no objection from the viewpoint of safety, due to surrounding conditions.

(Elevatory system)

Article 34 (1) Elevatory system to be installed in buildings must be of safe construction, and surrounding walls and openings of hoistway must be of construction appropriate for fire prevention.
(2) Buildings (excluding those specified by Cabinet Order) exceeding 31 meters in height must be provided with elevatory system for emergency use.

(Technical Criteria for Evacuation and Extinguishing of Fire in Special Buildings)

Article 35 With respect to special buildings offered for use set forth in column (a), rows (1) through (4) of Appended Table 1, buildings having three or more stories, buildings having habitable rooms with no openings such as windows as specified by Cabinet Order, or buildings of which total floor area (or the aggregate of total floor areas if there are two or more buildings on the same site) exceeds 1,000 square meters, corridors, stairways, doorways or other evacuation facilities, fire hydrants, sprinklers, water tanks or other fire extinguishing equipment, smoke exhaust equipment, emergency lighting system and entrances for emergency use, and passageways within the site for evacuation and fire fighting must be provided in a manner so as not to obstruct evacuation and fire fighting, in compliance with the technical criteria established by Cabinet Order.

(Interior Finish of Special Buildings)

Article 35-2 All special buildings for use set forth in column (a) of Appended Table 1, buildings having three or more stories, buildings having habitable rooms with no openings such as windows as specified by Cabinet Order, buildings of which total floor area exceeds 1,000 square meters, or buildings of which rooms such as cooking rooms and bathrooms are equipped with kitchen ranges, cooking stoves or other equipment or apparatus using flame must have the interior surface of their walls and ceilings (their roofs if there is no ceiling)

finished in a manner appropriate for fire safety, in compliance with the technical criteria established by Cabinet Order, excluding those as specified by Cabinet Order.

(Principal Building Parts of Habitable Rooms without Windows)

Article 35-3 Principal building parts which partition a habitable room with no openings such as windows as specified by Cabinet Order must be of fire-resistive construction or be made of noncombustible materials. Provided, however, that this shall not apply to habitable rooms for use set forth in column (a), row (1) of Appended Table 1.

(Technical Criteria Necessary to Enforce or Supplement Provisions of This Chapter)

Article 36 With respect to the natural lighting area of habitable rooms, height of ceilings and floors, damp-proofing methods for floors, construction of stairways, installation and construction of lavatories, fire walls, fire floors, fire compartments, fire extinguishing equipment, lightning conductor and plumbing equipment supplying water and drainage, and the construction of wastewater purifiers, chimneys and elevatory system of buildings, technical criteria necessary for safety, fire prevention and sanitation in order to enforce or supplement the provisions of this Chapter shall be established by Cabinet Order.

(Quality of Building Materials)

Article 37 Those building materials as wood, steel, concrete, and other materials specified by the Minister of Land, Infrastructure, Transport and Tourism used for the foundations, principal building parts, and other parts of buildings specified by Cabinet Order which are important from the viewpoint of safety, fire prevention, and sanitation (hereinafter in this Article referred to as "designated building materials") must come under any of the following items:

- (i) those qualities conform to the Japanese Industrial Standards or the Japanese Agricultural Standards designated for each designated building material by the Minister of Land, Infrastructure, Transport and Tourism;
- (ii) in addition to building materials set forth the preceding item, those approved by the Minister of Land, Infrastructure, Transport and Tourism as conforming to technical criteria for each designated building material specified by the Minister concerning the quality necessary for safety, fire prevention, and sanitation.

(Special Structural Methods or Building Materials)

Article 38 The provisions of this Chapter and orders based on those provisions

shall not apply to buildings in which special structural methods or building materials not anticipated herein are used, provided that the relevant structural methods or building materials have been approved by the Minister of Land, Infrastructure, Transport and Tourism as having efficacy that is equivalent or superior to items that conform to these provisions.

(Disaster Risk Area)

Article 39 (1) A local government may designate areas with a frequent danger of tidal waves, high tide, flood, etc. as Disaster Risk Areas by ordinances.

(2) With respect to Disaster Risk Areas, the prohibition of construction of buildings for use as houses and other restrictions relating to the construction of buildings, which are necessary for disaster prevention, shall be specified by ordinances as mentioned in the preceding paragraph.

(Addition of Restrictions by Ordinances of Local Government)

Article 40 If a local government concludes that the provisions of this Chapter or those of orders based thereon do not suffice for ensuring safety, fire prevention or sanitation of buildings due to the characteristics of climate or natural features of the region or the use or scale of special buildings, it may prescribe, by ordinances, additional restrictions necessary for safety, fire prevention or sanitation concerning the site, construction or building equipment of buildings.

(Relaxation of Restrictions by Ordinance of Municipality)

Article 41 For locations outside the areas specified in Article 6, paragraph (1), item (iv), any municipality may not apply, in whole or in part, provisions referred to in Article 19, Article 21, Article 28, Article 29 and Article 36 or may relax the restrictions under these provisions within areas specified by ordinances, when it has been concluded that that non-application or relaxation of the restrictions is necessary due to the land conditions, upon obtaining the approval of the Minister of Land, Infrastructure, Transport and Tourism. Provided, however, that this shall not apply to buildings as mentioned in Article 6, paragraph (1), items (i) and (iii).

Chapter III Site, Construction, Building Equipment and Use of Buildings within City Planning Areas, etc.

Section 1 General Provisions

(Applicable Areas)

Article 41-2 The provisions of this Chapter (excluding Section 8) shall apply only to City Planning Areas and Quasi-city Planning Area.

(Definition of Roads)

Article 42 (1) "Roads" in the provisions of this Chapter shall mean those which are not less than 4 meters in width (not less than 6 meters in areas where the Designated Administrative Agency concludes that it is necessary because of local climatic conditions, special characteristics of the natural features of the region, or land conditions, and designates as such after deliberations by the Prefectural City Planning Council; the same in the next paragraph and paragraph (3)), and which come under any of the following items (excluding underground):

- (i) roads under the Road Act (Act No. 180 of 1952);
 - (ii) roads under the City Planning Act, the Land Readjustment Act (Act No. 119 of 1954), the Old Act on Residential Land Development Project (Act No. 160 of 1964), the Urban Renewal Act (Act No. 38 of 1969), the Act on Development of the Infrastructures for New Cities (Act No. 86 of 1972), the Act on Special Measures concerning Promotion of Supply of Houses and Housing Lands in Urban Districts (Act No. 67 of 1975), or the Concentrated Urban Areas Development Act (limited to Chapter VI: same shall apply below in this paragraph);
 - (iii) roadways actually exist at the time of the application of the provisions of this Chapter by designation or change of the City Planning Areas or Quasi-city Planning Areas, or enactment or amendment of an ordinance under the provision of Article 68-9, paragraph 1;
 - (iv) roads planned for new construction or alteration under the Road Act, the City Planning Act, the Land Readjustment Act, the Urban Renewal Act, the Act on Development of the Infrastructures for New Cities, the Act on Special Measures concerning Promotion of Supply of Houses and Housing Lands in Urban Districts, or the Concentrated Urban Areas Development Act, which are designated by the Designated Administrative Agency anticipating that the plan will be executed within two years;
 - (v) roadways in compliance with the standards specified by Cabinet Order which are to be constructed, not under the Road Act, the City Planning Act, the Land Readjustment Act, the Urban Renewal Act, the Act on Development of the Infrastructures for New Cities, the Special Measures Act on Special Measures concerning Promotion of Supply of Houses and Housing Lands in Urban Districts, or the Concentrated Urban Areas Development Act, in order to utilize land as the site of buildings, and for which the Designated Administrative Agency has designated the location thereof to the person intending to construct them.
- (2) Notwithstanding the provisions of the preceding paragraph, any roadway less than 4 meters in width actually lined with buildings at the time of applying the provisions of this Chapter by designation or change of the City Planning Areas

or Quasi-city Planning Areas, or enactment or amendment of an ordinance under the provision of Article 68-9, paragraph 1, and which is designated by the Designated Administrative Agency shall be regarded as a road as specified in that paragraph, and lines two meters (three meters in areas designated pursuant to the provisions of the preceding paragraph (two meters when the Designated Administrative Agency concludes that there is no objection from the viewpoint of the safe evacuation and the passage of traffic due to surrounding conditions); the same in this paragraph and the next paragraph) in horizontal distance from either side of the center line thereof shall be regarded as the boundary lines of that road. Provided, however, that if the relevant roadway is along a cliff, stream, railway site or the like within 2 meters in horizontal distance from the center line thereof, the boundary line of the side of the roadway abutting on the relevant cliff, etc. and a line 4 meters in horizontal distance on the opposite side of the roadway from that boundary line shall be regarded as the boundary lines of the road.

- (3) In inevitable cases due to land conditions, the Designated Administrative Agency may designate separately the horizontal distance within the limits of less than 2 meters but not less than 1.35 meters as for the horizontal distance from that center line as specified in that paragraph and within the limits of less than 4 meters but not less than 2.7 meters as for the horizontal distance from the boundary line of that cliff, etc. as specified in that paragraph notwithstanding the provision of the preceding paragraph.
- (4) Roadways of less than 6 meters in width in the areas under paragraph (1) (in the case of roadways coming under item (i) or (ii), limited to those of which width is of 4 meters or more), which the Designated Administrative Agency determines should come under any of the following items and designates as such shall, notwithstanding the provisions in that paragraph, be regarded as roads as they are defined in that paragraph:
 - (i) roadways for which it is concluded that there is no objection from the viewpoint of safe evacuation and the passage of traffic due to surrounding conditions;
 - (ii) roadways, which are constructed in compliance with District Planning, etc. with regard to their location and size;
 - (iii) roadways, which were already considered as roads at the time of the designation of areas in paragraph (1).
- (5) With respect to roadways less than 4 meters in width which the Designated Administrative Agency determines should come under item (iii) of the preceding paragraph and designates as such, notwithstanding the provisions of paragraph (2), the line regarded as the boundary line of the roads at the time of the designation of areas in paragraph (1) shall be the boundary line of the roads.

- (6) If the Designated Administrative Agency intends to designate roadways less than 1.8 meters in width under paragraph (2), or where it intends to designate separately the horizontal distance under paragraph (3), it must obtain the prior consent of the Building Review Council.

Section 2 Relations between Buildings or Their Sites and Roads or Wall Alignment

(Relations between Sites and Roads)

- Article 43 (1) Every building site must be a distance of 2 meters or more from the road on which the property abuts (excluding roads set forth in the following; the same applies hereinafter excluding Article 44, paragraph (1)):
- (i) roads exclusively used for automobile traffic;
 - (ii) roads within areas of District Plans (limited to the areas within those for which District Development Plans are devised, and that are designated as areas to be used jointly as sites for buildings and other structures pursuant to the provisions of Article 12-11 of the City Planning Act).
- (2) The provisions in the preceding paragraph shall not apply to buildings that come under any of the following items:
- (i) buildings of which the site abuts on a road of at least 4 meters in width (excluding those under the category of a road, and limited to sites conforming to criteria specified by Ministry of Land, Infrastructure, Transport and Tourism Order that are required for the safety of evacuation and passage) and that are 2 meters or more from the road, and that conform to criteria specified by Ministry of Land, Infrastructure, Transport and Tourism Order concerning those use and scale as having a small number of users and for which it is concluded by the Designated Administrative Agency that there is no objection from the viewpoint of traffic, safety, fire prevention or sanitation;
 - (ii) buildings conforming to criteria specified by Ministry of Land, Infrastructure, Transport and Tourism Order such as those with a large open space around their sites, and for which it is concluded by the Designated Administrative Agency that there is no objection from the viewpoint of traffic, safety, fire prevention or sanitation, and to which permission is given by the Designated Administrative Agency after obtaining consent from the Building Review Council.
- (3) If a local government finds it difficult to sufficiently insure safe evacuation or passage depending on the provision of paragraph (1) concerning a building under any of the following items, due to the circumstances of their use, scale or position, the organization may add necessary restrictions by specifying an ordinance concerning the width of the road on which the site must abut, the

length of the parts of the site abutting on the road, or other relationship between the site or building and the road.

- (i) special buildings;
- (ii) buildings with 3 or more stories;
- (iii) buildings with habitable rooms that have no openings, such as windows that come under Cabinet Order;
- (iv) buildings exceeding 1,000 square meters in total floor area (or the aggregate of total floor areas if there are two or more buildings on the same site; the same shall apply in the next item, Section 4, Section 7 and Appended Table 3);
- (v) buildings on site touching a cul-de-sac (A road that is connected to another road only at one end.) and exceeding 150 square meters in total floor area (excluding single-family houses).

(Additional Restrictions on Buildings on Site touching a Road Less than Four Meters in Width)

Article 43-2 If a local government finds it necessary for traffic, safety, fire prevention, or sanitation purpose, by an ordinance, it may add additional necessary restrictions to the site, the construction, the building equipment or the use of a building for the building of which site abuts a road with horizontal distance designated pursuant to the provisions of Article 42, paragraph (3) by two meters or more (in a case where a building coming under any of the items of paragraph (3) of the preceding Article is subject to an additional restriction on the length of parts of its site in contact with a road under the provisions of the regulations in that paragraph; the relevant length).

(Building Restrictions on Roads)

Article 44 (1) Buildings or retaining walls to form the sites thereof must not be built or constructed upon or projecting onto roads. Provided, however, that this shall not apply to buildings which come under any of the following items:

- (i) buildings to be constructed below ground level;
- (ii) public lavatories, police boxes, or other similar buildings necessary for the public interest and permitted by the Designated Administrative Agency with the consent of the Building Review Council that do not impede traffic;
- (iii) buildings to be constructed over or under the surface of the roads specified in Article 43, paragraph (1), item (ii), that conform to the provisions of the District Plans concerning the relevant roads and that conform to the criteria established by Cabinet Order, and for which it is concluded by the Designated Administrative Agency that there is no objection from the viewpoint of safety, fire prevention or sanitation;
- (iv) public promenades and other buildings specified by Cabinet Order, which

the Designated Administrative Agency has permitted after concluding that those buildings are unlikely to disturb the safety, fire prevention or sanitation of other buildings or harm the surrounding environment.

- (2) When the Designated Administrative Agency grants permission under item (iv) of the preceding paragraph, it must obtain the prior consent of the Building Review Council.

(Restrictions on Alteration or Abolition of Private Roads)

Article 45 (1) If sites adjacent to roads come to be unconformable to the provision of Article 43, paragraph (1) or those of ordinances based on the provision of paragraph (3) of that Article due to the alteration or abolition of private roads, the Designated Administrative Agency may prohibit or restrict the alteration or abolition of those private roads.

- (2) The provisions of Article 9, paragraphs (2) through (6) and paragraph (15) shall apply mutatis mutandis to cases where orders are issued for the implementation of measures under the preceding paragraph.

(Designation of Wall Alignment)

Article 46 (1) If the Designated Administrative Agency deems it necessary for the purpose of improving the local environment by arranging the location of buildings within blocks, it may designate wall alignment upon obtaining the consent of the Building Review Council. In this case, it must hold a public hearing in advance, requesting the presence of persons having interests in that designation.

- (2) When holding a hearing under the preceding paragraph, the Designated Administrative Agency must give public notice of the designation plan concerned, and the hearing date and place under that paragraph not later than three days before that date.
- (3) When the Designated Administrative Agency makes a designation under paragraph (1), it must give public notice to that effect without delay.

(Building Restrictions concerning Wall Alignment)

Article 47 Walls of buildings or columns substituted therefor, or gates or fences exceeding 2 meters in height must not be erected beyond wall alignment. Provided, however, that this shall not apply to the parts of buildings below the ground level or to the columns of promenades or the like permitted by the Designated Administrative Agency upon obtaining the consent of the Building Review Council.

Section 3 Use of Buildings

(Use Districts, etc.)

Article 48 (1) Buildings other than those set forth in row (a) of Appended Table 2 must not be built in Category 1 Low-rise Exclusive Residential Districts.

Provided, however, that this shall not apply when the Designated Administrative Agency has granted permission after concluding that there is no likely detriment to the favorable residential environment in Category 1 Low-rise Exclusive Residential Districts, or that it is permissible in light of the public interest.

(2) Buildings other than those buildings set forth in paragraph (b) of Appended Table 2 must not be built in Category 2 Low-rise Exclusive Residential Districts. Provided, however, that this shall not apply when the Designated Administrative Agency has granted permission after concluding that there is no likely detriment to the favorable residential environment in Category 2 Low-rise Exclusive Residential Districts, or that it is permissible in light of the public interest.

(3) Buildings other than those buildings set forth in row (c) of Appended Table 2 must not be built in Category 1 Medium-to-high-rise Exclusive Residential Districts. Provided, however, that this shall not apply when the Designated Administrative Agency has granted permission after concluding that there is no likely detriment to the favorable residential environment in Category 1 Medium-to-high-rise Exclusive Residential Districts, or that it is permissible in light of the public interest.

(4) Buildings set forth in row (d) of Appended Table 2 shall not be built in Category 2 Medium-to-high-rise Exclusive Residential Districts. Provided, however, that this must not apply when the Designated Administrative Agency has granted permission after concluding that there is no likely detriment to the favorable residential environment in Category 2 Medium-to-high-rise Exclusive Residential Districts, or that it is permissible in light of the public interest.

(5) Buildings set forth in row (e) of Appended Table 2 must not be built in Category 1 Residential Districts. Provided, however, that this shall not apply when the Designated Administrative Agency has granted permission after concluding that there is no likely detriment to the residential environment in Category 1 Residential Districts, or that it is permissible in light of the public interest.

(6) Buildings set forth in row (f) of Appended Table 2 must not be built in Category 2 Residential Districts. Provided, however, that this shall not apply when the Designated Administrative Agency has granted permission after concluding that there is no likely detriment to the residential environment in Category 2 Residential Districts, or that it is permissible in light of the public interest.

(7) Buildings set forth in row (g) of Appended Table 2 must not be built in Quasi-

- residential Districts. Provided, however, that this shall not apply when the Designated Administrative Agency has granted permission after concluding that there is no likely detriment to the residential environment in Quasi-residential Districts, or that it is permissible in light of the public interest.
- (8) Buildings other than the buildings set forth in row (h) of Appended Table 2 must not be built in Countryside Residential Districts. Provided, however, this shall not apply when the Designated Administrative Agency has granted permission after concluding that it is unlikely that the buildings are detrimental to the agriculture land or to the residential environment in Countryside Residential Districts or after concluding that the building is permissible in light of the public interest.
- (9) Buildings set forth in row (i) of Appended Table 2 must not be built in Neighborhood Commercial Districts. Provided, however, that this shall not apply when the Designated Administrative Agency has granted permission after concluding that there is no likely detriment to the conducting of commerce and other businesses mainly engaged in supplying daily necessities to the inhabitants of neighborhood residential quarters, nor to the environment of the relevant residential quarters, or that it is permissible in light of the public interest.
- (10) Buildings set forth in row (j) of Appended Table 2 must not be built in Commercial Districts. Provided, however, that this shall not apply when the Designated Administrative Agency has granted permission after concluding that there is no likely detriment to the conducting of commerce, or that it is permissible in light of the public interest.
- (11) Buildings set forth in row (k) of Appended Table 2 must not be built in Quasi-industrial Districts. Provided, however, that this shall not apply when the Designated Administrative Agency has granted permission after concluding that there is little likely detriment to safety, fire prevention or sanitation, or that it is permissible in light of the public interest.
- (12) Buildings set forth in row (l) of Appended Table 2 must not be built in Industrial Districts. Provided, however, that this shall not apply when the Designated Administrative Agency has granted permission after concluding that it is necessary for the conducting of industry or for the public interest.
- (13) Buildings set forth in row (m) of Appended Table 2 must not be built in Exclusive Industrial Districts. Provided, however, that this shall not apply when the Designated Administrative Agency has granted permission after concluding that there is no likely detriment to the conducting of industry, or that it is permissible in light of the public interest.
- (14) Buildings set forth in row (n) of Appended Table 2 must not be built in areas that are not designated as Category 1 Low-rise Exclusive Residential Districts, Category 2 Low-rise Exclusive Residential Districts, Category 1 Medium-to-

high-rise Exclusive Residential Districts, Category 2 Medium-to-high-rise Exclusive Residential Districts, Category 1 Residential Districts, Category 2 Residential Districts, Quasi-residential Districts, Countryside Residential Districts, Neighborhood Commercial Districts, Commercial Districts, Quasi-industrial Districts, Industrial Districts or Exclusive Industrial Districts (hereinafter referred to as "Use Districts") (excluding Urbanization Control Areas as defined in Article 7, paragraph (1) of the City Planning Act). Provided, however, that this shall not apply when the Designated Administrative Agency has granted permission after concluding that there is no objection from the viewpoint of appropriate and rational land use and conservation of the environment in the relevant areas, or that it is permissible in light of the public interest.

(15) When the Designated Administrative Agency grants permission (referred to the following paragraph as, "special permission") under the proviso of each preceding paragraph, it must hold a public hearing in advance, requesting the presence of persons having interests in that permission, and further, obtain the consent of the Building Review Council.

(16) Notwithstanding the provisions of the preceding paragraph, the Designated Administrative Agency is not required to hold a hearing or obtain consent under the provisions of that paragraph when coming under item (i), and the Agency is not required to obtain consent under the provisions of that paragraph when coming under item (ii).

(i) when special permission is given concerning the addition, rebuilding or relocation (limited to cases that are specified by Cabinet Order) of a building to which special permission has been granted;

(ii) when special permission (limited to that under the proviso referred to in paragraphs (1) through (7)) is given concerning buildings required for daily activities that are specified by Cabinet Order, and for which measures to be specified by Ministry of Land, Infrastructure, Transport and Tourism Order that are required in order to prevent the deterioration of the residential environment resulting from phenomena such as noise or vibration.

(17) In cases where the Designated Administrative Agency hears opinions pursuant to the provisions of paragraph (15), it must give public notice of the plan for the building of the building to be granted permission, and the hearing date and place, not later than three days before that date.

(Special Use Districts)

Article 49 (1) With respect to Special Use Districts, necessary provisions, other than those of paragraphs (1) through (12) of the preceding Article, necessary provisions concerning the restriction or prohibition of buildings for the purpose of designating those zones shall be specified by ordinances of the local

government.

(2) With respect to Special Use Districts, the local government may relax the restrictions under paragraphs (1) through (13) of the preceding Article by ordinances upon obtaining the approval of the Minister of Land, Infrastructure, Transport and Tourism if it deems it necessary for the purpose of designating those districts.

(Special Use Restriction District)

Article 49-2 Restrictions on the use of a building in a Special Use Restriction District shall comply with city planning for the relevant Special Use Restriction District and shall be established under by ordinances of a local government in accordance with criteria established by Cabinet Order.

(Restrictions on the Site, Construction or Building Equipment of Buildings in Use Districts)

Article 50 Restrictions on the site, construction or building equipment of buildings in Use Districts, Special Use Districts, Special Use Restriction Districts, Special Districts for Urban Renaissances, Guided Land Use Districts for Residential Environment Improvement or Special Use Attraction District which are necessary for the purpose of designating those districts or zones, shall be specified by ordinances of the local government.

(Location of Special Buildings for Land Use as Wholesale Markets)

Article 51 In the City Planning Area, buildings for use as wholesale markets, crematoria, slaughter houses, waste disposal plants, waste incinerating plants, or other disposal facilities specified by Cabinet Order must not be newly constructed nor added, unless the locations of their sites have been decided in City Planning. Provided, however, that this shall not apply when the Designated Administrative Agency has granted permission, after determining through deliberations by the Prefectural City Planning Council (in a case where the person that should stipulate the location of the site in City Planning is the municipality, and there is a Municipal City Planning Council in the city, town or village where the relevant site is located, the relevant Municipal City Planning Council), that the location of the relevant site will not hamper City Planning, or if relevant buildings are newly constructed or added in accordance with scale specified by Cabinet Order.

Section 4 Site and Construction of Buildings

(Floor Area Ratio)

Article 52 (1) The ratio of the total floor area to the site area of a building

(hereinafter referred to as "floor area ratio") shall not exceed the value designated in each item concerned, according to the classification set forth in the following items. Provided, however, when the relevant building is one set forth in item (v) and when any part of it is not accounted for in the calculation of the total floor area pursuant to the provisions of paragraph (3), the ratio of the total floor area, including the relevant part to the site area, must not exceed 1.5 times the value provided for in item (ii), specified in city planning for Category 1 Residential Districts, Category 2 Residential Districts, Quasi-residential Districts, Neighborhood Commercial Districts, or Quasi-industrial Districts where the relevant building is located:

- (i) buildings in Category 1 Low-rise Exclusive Residential Districts, Category 2 Low-rise Exclusive Residential Districts, or Countryside Residential Districts (excluding buildings set forth in items (vi) and (vii)): As specified in city planning for the relevant areas from among 5/10, 6/10, 8/10, 10/10, 15/10, and 20/10;
- (ii) buildings in Category 1 or Category 2 Medium-to-high-rise Exclusive Residential Districts (excluding buildings set forth in items (vi) and (vii)), Category 1 and Category 2 Residential Districts, Quasi-residential Districts, Neighborhood Commercial Districts, or Quasi-industrial Districts (excluding buildings set forth in items (vi) and (vii)): As specified in city planning for the relevant areas from among 10/10, 15/10, 20/10, 30/10, 40/10 and 50/10;
- (iii) buildings in Commercial Districts (excluding buildings set forth in item (vi)): As specified in city planning for the relevant areas from among 20/10, 30/10, 40/10, 50/10, 60/10, 70/10, 80/10, 90/10, 100/10, 110/10, 120/10, and 130/10;
- (iv) buildings in Industrial Districts or Exclusive Industrial Districts (excluding buildings set forth in items (vi) and (vii)): As specified in the city planning for the relevant area from among 10/10, 15/10, 20/10, 30/10 and 40/10;
- (v) buildings in High-rise Residential Attraction Districts (excluding buildings set forth in item (vii)) in which the total floor area of the part of the building provided for residential use is 2/3 or more of the total floor area of the building (limited to those of which site area is equal to or greater than the lower limit when the minimum building site area is specified in city planning for the relevant High-rise Residential Attraction Districts): A value within a range extending from the value mentioned in item (ii) specified by the city planning for Category 1 Residential Districts, Category 2 Residential Districts, Quasi-residential Districts, Neighborhood Commercial Districts, or Quasi-industrial Districts to a value no higher than 1.5 times the relevant value, and when the value is calculated by a method established by Cabinet Order according to the ratio of the total floor area of the part of the building

provided for residential use of the relevant building to the total floor area, which is a value specified in the city planning for the relevant High-rise residential Attraction Districts;

- (vi) buildings within Guided Land Use Districts for Residential Environment Improvement, all or part of which are provided for the use to be induced that has been specified in city planning for the relevant Guided Land Use Districts for Residential Environment Improvement: Values specified in the city planning for the relevant Guided Land Use Districts for Residential Environment Improvement;
 - (vii) buildings within Special Use Attraction Districts and all or part of which the building is provided for the use to be induced that has been specified in the city planning for the relevant Special Use Attraction Districts: Values specified in the city planning for the relevant Special Use Attraction Districts;
 - (viii) buildings in areas without Use District designation: 5/10, 8/10 10/10, 20/10, 30/10 or 40/10; the Designated Administrative Agency shall categorize the relevant district, taking into account land use conditions and shall then select the value applied from among these values through consultations with the Prefectural City Planning Council.
- (2) In addition to those set forth in the preceding paragraph, the floor area ratio of a building where the width of the front road (when there are two or more front roads, the width of the widest; the same shall apply in the remainder of this paragraph and in paragraph (12)) is less than 12 meters must be equal to or less than the value obtained by multiplying the value of the width of the relevant front road in meters by a value established in that item according to the category specified by the following items:
- (i) buildings in a Category 1 or Category 2 Low-rise Exclusive Residential Districts, or Countryside Residential Districts: 4/10;
 - (ii) buildings in a Category 1 or Category 2 Medium-to-high-rise Exclusive Residential Districts, Category 1 or Category 2 Residential Districts and Quasi-residential Districts (excluding buildings in High-rise residential Attraction Districts in which the total floor area of the part of the building provided for residential use is 2/3 or more of the total floor area of the building (when a lower limit of the site area of the building has been specified by the city planning for the relevant High-rise residential Attraction Districts, limited to those with site area equal to or larger than the relevant lower limit; the same shall apply in Article 56, paragraph (1) (item (ii), (c) and in row (4) of Appended Table 3)) : 4/10 (in the case of building in a district designated by the Designated Administrative Agency through consultations with the Prefectural City Planning Council, 6/10);
 - (iii) other buildings: 6/10 (in the case of a building in a district designated by

the Designated Administrative Agency through consultations with the Prefectural City Planning Council, 4/10 or 8/10, as decided by the Designated Administrative Agency through consultations with the Prefectural City Planning Council).

- (3) The total floor area that is the basis for the calculation of the floor area ratio (in cases set forth in Article 59, paragraph (1); Article 60-2, paragraph (1) and Article 68-9, paragraph (1), limited to cases related to the upper limit of the floor area ratio of the building; the same in paragraph (6)) of buildings provided for in paragraph (1) (excluding the proviso), the preceding paragraph, paragraph (7), paragraph (12), and paragraph (14), Article 57-2, paragraph (3), item (ii) ; Article 57-3, paragraph (2); Article 59, paragraph (1) and paragraph (3); Article 59-2, paragraph (1); Article 60, paragraph (1); Article 60-2, paragraph (1) and paragraph (4); Article 68-3, paragraph (1); Article 68-4, Article 68-5 (excluding item (ii), (a); the same in paragraph (6)), Article 68-5-2, (excluding item (ii), (a); the same in paragraph (6)), Article 68-5-3, paragraph (1) (excluding item (i), (b); the same in paragraph (6)), Article 68-5-4, (excluding the proviso and item (i), (b)), Article 68-5-5, paragraph (1), item (i), (b); Article 68-8, and Article 68-9, paragraph (1); Article 86, paragraph (3) and (4); Article 86-2, paragraph (2) and (3); Article 86-5, paragraph (3); and Article 86-6, paragraph (1); shall not include the floor area (if the relevant total floor area exceeds 1/3 of the total floor area of parts provided for residential use or as a home for the aged, etc., in the relevant building, 1/3 of the total floor area of parts provided for residential use or as a home for the aged, etc., in the relevant building) of parts provided for residential use in a house, home for the aged, or similar building (referred in the remainder of this paragraph as "home for the aged, etc.") (excluding parts provided for use as hoistways for elevator equipment as specified by Cabinet Order in paragraph (6), or corridors or stairways that are common areas of apartment buildings; the same shall apply in this paragraph) in the basement of a home for the aged, etc., with a ceiling no higher than 1 meter above the ground surface.
- (4) The ground surface level, referred to in the preceding paragraph, shall refer to the horizontal surface at the average height of locations where the building is in contact with the surrounding ground surface, and if the level difference of locations that it is in contact with exceeds 3 meters, it shall refer to a horizontal surface at an average height within each of the 3 meters level differences.
- (5) A local government shall, when it is recognized to be necessary in light of land conditions, etc., notwithstanding the provisions of the preceding paragraph, identify a proper ground-surface level within a limited district, in paragraph (3), in accordance with standards established by Cabinet Order, stated in its Ordinances.

- (6) The total floor area that is the basis for the calculation of the floor area ratio of a building provided for in paragraph (1), paragraph (2), the following paragraph, paragraph (12) and paragraph (14), Article 57-2, paragraph (3), item (ii); Article 57-3, paragraph (2); Article 59, paragraph (1) and paragraph (3); Article 59-2, paragraph (1); Article 60, paragraph (1); Article 60-2, paragraph (1) and paragraph (4); Article 68-3, paragraph (1); Article 68-4; Article 68-5; Article 68-5-2; Article 68-5-3, paragraph (1); Article 68-5-4 (excluding item (i), (b)); Article 68-5-5, paragraph (1), item (i), (b); Article 68-8; Article 68-9, paragraph (1); Article 86, paragraph (3) and paragraph (4); Article 86-2, paragraph (2) and paragraph (3); Article 86-5, paragraph (3); and Article 86-6, paragraph (1) shall not include hoistways for elevatory equipment as specified by Cabinet Order or the floor surfaces of parts provided for use as corridors or stairways that are common areas of apartment houses.
- (7) If the site of a building extends into two or more areas, districts, or zones subject to the restrictions on the floor area ratio of a building under paragraphs (1) and (2), the floor area ratio of the relevant building must not exceed the aggregate of values obtained by multiplying the limit of the floor area ratio of the building specified for the relevant each area, district or zone under paragraphs (1) and (2), by the ratio of the part of the site located in the relevant area, district or zone to the whole site area.
- (8) In the case of a building (excluding buildings within Guided Land Use Districts for Residential Environment Improvement and part of which the building is provided for the use to be induced that has been specified in the city planning for the relevant Guided Land Use Districts for Residential Environment Improvement and buildings within Special Use Attraction Districts and part of which the building is provided for the use to be induced that has been specified in the city planning for the relevant Special Use Attraction Districts) all or part of which is provided for residential use and when it satisfies the following conditions, the provisions of paragraph (1) and paragraph (3) through the preceding paragraph shall apply, assuming that a value that is no higher than 1.5 times the value provided for in paragraph (1), item (ii) or (iii) provided for in city planning for the area where the relevant building is located and which has been calculated by a method established by Cabinet Order according to the ratio of the according to the ratio of the total floor area of the part of the building provided for residential use of the relevant building to the total floor area (in an area designated by the Designated Administrative Agency through consultations with the Prefectural City Planning Council, a value separately specified by the Designated Administrative Agency through consultations with the Prefectural City Planning Council within a range from the value in the relevant city planning to the relevant calculated value) is the value provided for by item (ii) or (iii) of

that paragraph. Provided, however, when there is a part of the relevant building of which floor area was not included in the total floor area of the relevant building for the calculation of the total floor area of the relevant building pursuant to the provisions of paragraph (3), the floor area ratio of the relevant building, including the floor area of the relevant part, must be no higher than 1.5 times a value provided for in paragraph (1), item (ii) or (iii) specified by city planning for the area where the relevant building is located:

- (i) it is located in Category 1 Residential Districts, Category 2 Residential Districts, Quasi-residential Districts, Neighborhood Commercial Districts, or Quasi-industrial Districts (excluding High-rise residential Attraction Districts and areas designated by the Designated Administrative Agency through consultations with the Prefectural City Planning Council) or Commercial Districts (excluding areas designated by the Designated Administrative Agency through consultations with the Prefectural City Planning Council);
 - (ii) its site includes open space equal to or larger than that specified by Cabinet Order (limited to those for which the part effectively in contact with a road is equal to or larger than that specified by Cabinet Order), and the area of the site is equal to or larger than that specified by Cabinet Order.
- (9) If the site of a building abuts on a front road of at least 6 meters but less than 12 meters in width, and which connects with a road of at least 15 meters in width (referred to in this paragraph as a "specified road") and the site is located within a distance of 70 meters along the relevant front road measured from the relevant specified road, in applying the provisions referred to in paragraph (2) through paragraph (7), the word "width" mentioned in paragraph (1) shall read "width (for a front road connecting with the specified road in paragraph (9), if it is within the distance of 70 meters of the relevant specified road, the width is added by a certain value specified by Cabinet Order in accordance with the distance from the relevant specified road to the relevant front road on which the relevant building abuts.)"
- (10) If the site of a building abuts on a projecting road that is designated in the City Planning (excluding roads coming under Article 42, paragraph (1), item (iv); referred to in this paragraph as a "projecting road") or where a projecting road lies within the relevant site, the relevant projecting road shall be regarded as a front road, as mentioned in paragraph (1), and the provisions of paragraphs (2) through (7) shall apply to buildings that the Designated Administrative Agency has permitted after concluding that there is no objection from the viewpoint of traffic, safety, fire prevention and sanitation. In this case, the part of the relevant site overlapping the projecting road shall not be calculated in the area of the relevant site or any part thereof.
- (11) If wall alignment is designated behind the boundary line of a front road and

the opposite boundary line, each boundary line of the relevant front road is considered to be located on the wall alignment, when the provisions of paragraphs (2) through (7), and paragraph (9) shall apply to buildings that the Designated Administrative Agency has permitted after concluding that the buildings conform to the following standards. In this case, the section between the front road and the wall alignment on the site of the relevant building shall not be calculated in the area of the relevant site or any part thereof:

- (i) judging from the state of land use in the block where the relevant building is located, part of the site between the front road and the wall alignment in this block is obtained or there is a possibility that the relevant part will be obtained as effective space that is integrated with and linked to the relevant front road;
- (ii) it is not detrimental from the viewpoint of traffic, safety, fire prevention and sanitation.

(12) Regarding a building for which the value that is multiplied by the width of the front road in meters is considered to be 4/10 pursuant to the provisions of each item of paragraph (2), in a case where the wall alignment is a designated set back from the boundary with the front road or in a case where a restriction on the location of the wall surface specified by an ordinance based on the provisions of Article 68-2, paragraph (1) (limited to restrictions on position of the wall of the building facing the road or of a column that replaces the relevant wall and on the location of a gate or fence with height in excess of 2 meters, and which faces the road), and the limit line established as the limit of the location of the relevant wall alignment or the relevant wall surface (referred to in this paragraph and the following paragraph as, "wall surface alignment etc.") is not exceeded, (excluding pent roofs and other parts of buildings specified by Cabinet Order) the boundary line of the relevant front road shall be considered to be the relevant wall alignment, etc., and it shall be possible to apply the provisions of paragraphs (2) through (7), and paragraph (9). Providing, however, the floor area ratio of the building must be equal to or less than the value calculated by multiplying the width of the relevant front road in meters by 6/10.

(13) The area between the front road and the wall alignment, etc. on the site of the relevant building shall not be calculated in the area of the relevant site or any part thereof, under the case of the preceding paragraph.

(14) With respect to buildings that come under any of the following items and which the Designated Administrative Agency has permitted after concluding that there is no objection from the viewpoint of traffic, safety, fire prevention and sanitation, the floor area ratio may, notwithstanding the provisions of paragraphs (1) through (9), exceed the limits under these provisions within the scope of the permission:

- (i) buildings on sites where the ratio of the aggregate of floor areas of the machine room and other similar parts of the building to the total floor area thereof is excessively large;
 - (ii) buildings that have large parks, public squares, roads or other open spaces around their sites;
- (15) The provision of Article 44 paragraph (2) shall apply mutatis mutandis when permission is granted under paragraph (10), (11), or the preceding paragraph.

(Building Coverage Ratio)

Article 53 (1) The ratio of the building area (or the aggregate of building areas if there are two or more buildings on the same site) to the site area (hereinafter referred to as "building coverage ratio") of a building shall according to the classification set forth in the following items, not exceed the value mentioned in each item concerned:

- (i) buildings in Category 1 Low-rise Exclusive Residential Districts, Category 2 Low-rise Exclusive Residential Districts, Category 1 Medium-to-high-rise Exclusive Residential Districts, Category 2 Medium-to-high-rise Exclusive Residential Districts, Countryside Residential Districts, or Exclusive Industrial Districts: As specified in city planning for the relevant area from among 3/10, 4/10, 5/10, and 6/10;
 - (ii) buildings in Category 1 Residential Districts, Category 2 Residential Districts, or Quasi-residential Districts: As specified in city planning for the relevant area from among 5/10, 6/10 and 8/10;
 - (iii) buildings in Neighborhood Commercial Districts: As specified in city planning for the relevant area from among 6/10 and 8/10;
 - (iv) buildings in Commercial Districts: 8/10;
 - (v) buildings in Industrial Districts: As specified in city planning for the relevant zone from among 5/10 and 6/10;
 - (vi) buildings in areas without Use District: 3/10, 4/10, 5/10, 6/10, or 7/10; the Designated Administrative Agency shall categorize the relevant area accounting for land use conditions and select the value applied through consultations with the Prefectural City Planning Council.
- (2) If the site of a building extends into two or more zones or areas subject to the restrictions on the building coverage ratio of a building under the preceding paragraph, the building coverage ratio of the relevant building must not exceed the aggregate of values obtained by multiplying the limit of the building coverage ratio of the building specified for each zone or area concerned under that paragraph, by the ratio of the part of the site located in the relevant zone or area to the whole site area.
- (3) In applying the provisions referred to in the preceding two paragraphs, a value obtained by adding 1/10 to the value mentioned in each item of

paragraph (1) shall be regarded as the value mentioned in that item as for buildings coming under either item (i) or (ii), and a value obtained by adding 2/10 to the value mentioned in each item of that paragraph shall be regarded as the value mentioned in that item as for buildings coming under items (i) and (ii):

- (i) buildings in Fire Prevention Districts (excluding zones in which the limit of the building coverage ratio is specified to be 8/10 pursuant to the provisions of paragraph (1), items (ii) through (iv)), under (a), or buildings in Quasi-fire Prevention Districts under either (a) or (b);
 - (a) fire-resistive buildings or buildings specified by Cabinet Order as having performance sufficient for the prevention of the spread of fire equivalent to or better than that of fire-resistive buildings (This shall mean the performance required for the parts of the building such as walls, columns or floors and an opening protective assembly to be specified by Cabinet Order, such as fire doors, in order to prevent the spread of fire to surrounding areas during a normal fire; the same shall apply to (b)) (referred to as the "fire-resistive buildings, etc." hereinafter in this Article and in Article 67, paragraph (1));
 - (b) quasi fire-resistive buildings or buildings specified by Cabinet Order as having performance for the prevention of the spread of fire that is equivalent to or better than that of quasi fire-resistive buildings (excluding fire-resistive buildings, etc.; to be quasi fire-resistive buildings, etc. in paragraph (8) and in Article 67, paragraph (1)).
 - (ii) buildings on sites at the corner of two streets or on sites equivalent thereto as designated by the Designated Administrative Agency.
- (4) In a case where it is designated that the wall alignment be set back from the boundary line with an adjacent land lot or in a case where there is a restriction on the position of the wall surface established under an ordinance based on the provisions of Article 68-2, paragraph (1) (limited to restrictions on position of the wall of the building facing the boundary line with an adjacent land lot or of a column that replaces the relevant wall and on the location of a gate or fence with height in excess of 2 meters facing the boundary line with an adjacent land lot), the building coverage ratio that the Designated Administrative Agency has approved as not being detrimental from the viewpoint of safety, fire prevention, and sanitation of a building where the limit line established as the limit of the location of the relevant wall alignment or relevant wall surface is not exceeded, (excluding pent roofs and other parts of buildings specified by Cabinet Order), notwithstanding the provisions of the preceding three paragraphs, it shall be possible for it to exceed the limit under the preceding three paragraphs within this allowed range.
- (5) The building coverage ratio of a building that comes under any of the

following items for which permission has been granted by the Designated Administrative Agency after concluding that there is no objection from the viewpoint of safety, fire prevention or sanitation may not withstanding the provisions of paragraphs (1) through (3), exceed the limits under these provisions:

- (i) buildings not exceeding a wall surface line when the wall surface line has been designated by the Designated Administrative Agency by setting it back from the boundary line of the front road after concluding that it is necessary in order to secure functions required for evacuation and for firefighting activities on the street;
 - (ii) if, in order to secure designated disaster prevention functions (which means the designated disaster prevention functions specified in Article 2, item (iii) of the Concentrated Urban Areas Development Act; the same shall apply in the next item), restrictions on the position of wall surfaces have been specified in city planning for Specified Disaster Prevention Block Improvement Zone, buildings not exceeding a boundary line (which shall be limited to the restrictions that restrict the position of the wall of a building facing the road or the column that replaces the relevant wall and the position of a gate or fence facing the road exceeding 2 meters in height; the same shall apply in that item) that has been specified as the relevant restrictions on the wall surface position;
 - (iii) if restrictions on the wall surface position have been specified and that are required in order to secure specified disaster prevention functions in the zone of a Disaster Prevention Block Improvement Zone Plans (which shall be limited to the zone where Specified Building District Development Plans or District Development Plans for Disaster Prevention Block Improvement Zone District Development Plans are devised) in an ordinance under the provisions of Article 68-2, paragraph (1), which addresses buildings not exceeding a boundary line that has been specified as the relevant restrictions on the wall surface position.
- (6) The provisions of each of the preceding paragraphs shall not apply to buildings coming under any of the following items:
- (i) fire-resistive buildings, etc. in Fire Prevention Districts (limited to zones in which the limit of the building coverage ratio is specified to be 8/10 pursuant to the provisions of paragraph (1), items (ii) through (iv));
 - (ii) police box, Public toilet, Public promenades, or anything similar thereto;
 - (iii) buildings which are located in park, public square, road, river, or the like and for which permission has been granted by the Designated Administrative Agency after concluding that there is no objection from the viewpoint of safety, fire prevention or sanitation.
- (7) If the site of a building extends into or out of a Fire Prevention District, and

all of the building on the relevant site is of fire-resistive construction, etc., the relevant site shall be considered to be within the Fire Prevention District in applying the provisions of paragraph (3), item (i) or item (i) of the preceding paragraph.

- (8) If the site of a building is located entirely within a Quasi-fire Prevention District and an area other than a Fire Prevention District and a Quasi-fire Prevention District, if all of the buildings within the site are fire-resistive buildings, etc. or quasi fire-resistive buildings, etc., the provisions of paragraph (3), item (i) shall apply to the site, considering that the entire site is located within a Quasi-fire Prevention District.
- (9) The provisions of Article 44 paragraph (2) shall be applied mutatis mutandis in a case where authorization is given under paragraph (4), paragraph (5) or paragraph (6), item (iii).

(Site Area of a Building)

Article 53-2 (1) When the minimum site area of buildings is specified in a City Planning for Use Districts, the site area of buildings must be higher than the relevant minimum limit. Provided, however, that this shall not apply to the site of buildings coming under any of the following items:

- (i) building set forth in paragraph (6), item (i) of the preceding Article;
 - (ii) public toilet, police box, or other building necessary for the public interest similar thereto;
 - (iii) building with a wide park, plaza, road or other open space around its site that the Designated Administrative Agency has approved as a building that is not detrimental to the urban environment;
 - (iv) those of which the Designated Administrative Agency has found that there is unavoidable because the use or the structure and granted permission.
- (2) In a case where a lower limit of the site area of a building is specified by a city planning in the preceding paragraph, this lower limit must not exceed 200 square meters.
- (3) In a case where, when the lower limit of the site area of a building is specified by a city planning in paragraph (1) or the lower limit is revised, if land that is already used as the site of a building and to which the provisions of that paragraph do not apply, or land to which the provisions of that paragraph would not apply if it were used as the site of a building under ownership rights or other rights that already exist is completely used as a single site, the provisions of that paragraph shall not apply. Provided, however, that this shall not apply to land coming under any of the following items:
- (i) when the lower limit of the site area of a building in a city planning in paragraph (1) has been revised, the site of a building that contravened the previous restriction on the lower limit of the site area of a building or land

that would have contravened the relevant restriction if it were used as the site of a building under ownership rights or other rights;

(ii) site of a building that has become compliant with the provisions of paragraph (1) or land that would become compliant with the provisions of that paragraph if it were used as the site of a building under ownership rights or other rights.

(4) The provisions of Article 44, paragraph (2) shall apply mutatis mutandis when permission is given under paragraph (1) item (iii) or (iv).

(Retrocessive Distance of Exterior Walls in Category 1 Low-rise Exclusive Residential Districts)

Article 54 (1) In Category 1 Low-rise Exclusive Residential Districts, Category 2 Low-rise Exclusive Residential Districts, or Countryside Residential Districts, the distance from the face of any exterior wall or any column that replaces the relevant wall to the boundary line of the site (hereinafter in this Article and Article 86-6, paragraph (1) referred to as "retrocessive distance of exterior walls") must be not less than the relevant limit, except in cases as specified by Cabinet Order, if a limit of the retrocessive distance of exterior walls is specified in city planning for the relevant area.

(2) If a limit of the retrocessive distance of exterior wall is specified in city planning under the preceding paragraph, the limit shall be either 1 meter or 1.5 meters.

(Limit of Height of Buildings in Category 1 Low-rise Exclusive Residential Districts)

Article 55 (1) The height of buildings in Category 1 Low-rise Exclusive Residential Districts, Category 2 Low-rise Exclusive Residential Districts, or Countryside Residential Districts must not exceed 10 meters or 12 meters in accordance with the limit of height of buildings as specified in city planning for the relevant area.

(2) In Category 1 Low-rise Exclusive Residential Districts, Category 2 Low-rise Exclusive Residential Districts, or Countryside Residential Districts where the height of buildings shall not exceed 10 meters specified in city planning under the preceding paragraph, the limit of height shall be 12 meters for buildings having open space on their sites as specified by Cabinet Order and, further, of which site areas are at least the scale specified by Cabinet Order, and which the Designated Administrative Agency has concluded that there is no likely detriment to the favorable residential environment for low-story houses.

(3) The provisions of the preceding two paragraphs shall not apply to buildings coming under any of the following items:

(i) buildings having large parks, public squares, roads or other open space

around their sites, which the Designated Administrative Agency has permitted after concluding that there is no likely detriment to the favorable residential environment for low-story houses;

- (ii) buildings such as schools, which the Designated Administrative Agency has permitted, after determining inevitable circumstances by nature of their use.
- (4) The provision of Article 44, paragraph (2) shall apply mutatis mutandis when permission is granted under each item of the preceding paragraph.

(Height of Each Part of a Building)

Article 56 (1) The height of each part of a building must not exceed that set forth in each of the following items:

- (i) within an extent where the horizontal distance from the boundary line of the opposite side of the front road is not more than the distance set forth in column (c) of Appended Table 3, the height obtained by multiplying the horizontal distance from the part concerned to the boundary line of the opposite side of the front road, by the value set forth in column (d) of that Table, according to areas, districts, or zones and to the classification of the limit of the floor area ratio, set forth in columns (a) and (b) of that Table;
- (ii) values obtained by adding, in accordance with the following categorization, the horizontal distance from the relevant part to the boundary line with an adjacent land lot, to the distance equivalent to the shortest horizontal distance from each part to the boundary line with the adjacent land lot in the case of a building for which the value provided for in (a) or (d) is 1.25 and which includes a part exceeding 20 meters in height, or a building for which the value provided for by (a) through (d) is 2.5 (excluding buildings set forth in (b) and (c) in areas designated by the Designated Administrative Agency through consultations with the Prefectural City Planning Council; the same in this item and in paragraph (7), item (ii)) and which includes a part exceeding 31m in height, and then multiplying the value so obtained by the values provided for from (a) to (d), and finally adding the product of this calculation to 20 meters in the case of a building for which the value provided for in (a) or (d) is 1.25, and to 31 meters in the case of a building for which the value provided for in (a) through (d) is 2.5;
- (a) buildings in Category 1 Medium-to-high-rise Exclusive Residential Districts or Category 2 Medium-to-high-rise Exclusive Residential Districts, or Buildings in Category 1 Residential Districts, Category 2 Residential Districts, or Quasi-residential Districts (excluding buildings set forth in (c)): 1.25 (Buildings in areas that have been designated by the Designated Administrative Agency through consultations with the Prefectural City Planning Council and are not within Category 1 Mid/high-rise Exclusively Residential Zones or Category 2 Mid/high-rise Exclusively Residential

- Zones where the limit of the floor area ratio is 30/10 or less pursuant to the provisions of Article 52, paragraph (1), item (ii), 2.5);
- (b) buildings in Neighborhood Commercial Districts or Quasi-industrial Districts (excluding buildings set forth in (c)), or Buildings in Commercial Districts, Industrial Districts, or Exclusive Industrial Districts: 2.5;
 - (c) buildings in High-rise Residential Attraction Districts in which the total floor area of the part of the building provided for residential use is 2/3 or more of the total floor area of the building: 2.5.
 - (d) buildings in areas with no Use Districts: 1.25 or 2.5; the Designated Administrative Agency shall categorize the relevant area accounting for land use conditions and select the value applied through consultations with the Prefectural City Planning Council.
- (iii) category 1 Low-rise Exclusive Residential Districts, Category 2 Low-rise Exclusive Residential Districts, or Countryside Residential Districts, or Category 1 Medium-to-high-rise Exclusive Residential Districts or Category 2 Medium-to-high-rise Exclusive Residential Districts (excluding those for which the conditions of row (2), item (i), (ii) or (iii) of Appended Table 4 are specified by ordinances based on the provision of the next Article paragraph (1)), the height obtained by multiplying the horizontal distance in due north direction from the part concerned to the boundary line of the opposite side of the front road or the boundary line with the adjacent land lot by 1.25, plus 5 meters in the case of buildings in Category 1 Low-rise Exclusive Residential Districts, Category 2 Low-rise Exclusive Residential Districts, or Countryside Residential Districts, or plus 10 meters in the case of buildings in Category 1 Medium-to-high-rise Exclusive Residential Districts or Category 2 Medium-to-high-rise Exclusive Residential Districts.
- (2) In applying the provisions referred to in item (i) of the preceding paragraph to buildings retreating from the boundary line of the front road, the phrase "the opposite boundary line of the front road" in that item shall read "the line outside the distance equivalent to the retrocessive distance of the building concerned (the shortest horizontal distance from the building concerned (excluding the parts of buildings below the ground level and other parts specified by Cabinet Order) to the boundary line of the front road) from the opposite boundary line of the front road."
- (3) In applying the provisions referred to in Appended Table 3 to buildings facing a front road with a width of 12 meters or more in Category 1 Medium-to-high-rise Exclusive Residential Districts, Category 2 Medium-to-high-rise Exclusive Residential Districts, Category 1 Residential Districts, Category 2 Residential Districts, or Quasi-residential Districts, "1.25" in column (d) in that Table shall read "1.25 (1.5 in areas where the horizontal distance from the opposite boundary line of the front road is greater than the value obtained by

multiplying the width of the front road by 1.25)."

- (4) In applying the provisions of the preceding paragraph to buildings referred to in the preceding paragraph retreating from the boundary line of the front road in that paragraph, "the opposite boundary line of the front road" in that paragraph may read "the line outside the distance equivalent to the retrocessive distance of the building concerned (the shortest horizontal distance from the building concerned (excluding the parts of the buildings below the ground level and other parts specified by Cabinet Order); the same in this Table) to the boundary line of the front road from the opposite boundary line of the front road" and "the width of the front road" in that paragraph shall read "the width of the front road plus the value obtained by multiplying the retrocessive distance of the building concerned by 2".
- (5) If a building extends into two or more areas, districts, or zones as specified in paragraph (1), items (ii) and (iii), the "buildings" in these provisions shall read "parts of buildings."
- (6) Measures for relaxing the provisions referred to in each of the preceding paragraphs shall be specified by Cabinet Order, for cases where the site of a building abuts on two or more roads, or abuts on a park, public square, river, sea or the like, where unevenness between the site of a building and the abutting road or adjacent land lot is extreme, or where there are some other special circumstances.
- (7) The provisions set forth in each of the following items shall not apply to a building that complies with criteria specified by Cabinet Order to guarantee natural lighting and ventilation etc. at each location referred to in those items that are equal to or higher than the natural lighting and ventilation guaranteed at the relevant locations provided for in those items if the height of the building is restricted by the provisions set forth in those items.
 - (i) paragraph (1), item (i), paragraphs (2) through (4) and the preceding paragraph (limited to parts where the application of the provisions referred to in that item are relaxed): Location specified by Cabinet Order on the boundary line on the opposite side of the front road;
 - (ii) paragraph (1), item (ii), paragraph (5), and the preceding paragraph (limited to parts where the application of the provisions referred to in that item are relaxed): Location specified by Cabinet Order on a line on the outside where the horizontal distance from the boundary line with the adjacent land lot is only 16 meters in the case of a building for which the value provided for in paragraph (1), item (ii), (a) or (d) is considered to be 1.25, and only 12.4 meters for a building for which the value provided for in paragraph (1), item (ii), (a) through (d) is considered to be 2.5;
 - (iii) paragraph (1), item (iii), paragraph (5), and the preceding paragraph (limited to parts where the application of the provisions referred to in that

item are relaxed): Location specified by Cabinet Order on a line on the outside where the horizontal distance northward from the boundary line with the adjacent land lot is only 4 meters in the case of a building located in Category 1 Low-rise Exclusive Residential Districts, Category 2 Low-rise Exclusive Residential Districts, or Countryside Residential Districts, and only 8 meters for a building located in Category 1 Medium-to-high-rise Exclusive Residential Districts or Category 2 Medium-to-high-rise Exclusive Residential Districts.

(Restrictions on Height of Mid/high-rise Buildings due to Shadow)

Article 56-2 (1) Buildings set forth in those rows of column (b) of Appended Table 4 (in the row (4), from among (a) or (b) of that paragraph, that which the local government has designated by ordinances taking into consideration the climate, and natural features of the region concerned and circumstances of land use in the relevant area) in areas which are the entire or a part of any district or area set forth in those rows of column (a) of that Table and are designated by ordinances of the local government (hereinafter in this Article set forth as "target areas") shall, during the time from 8 a.m. to 4 p.m. (in areas of Hokkaido, from 9 a.m. to 3 p.m.) by true solar time on the day of winter solstice, not shade any area for that hours or more as shown in item (i), (ii) or (iii) of column (d) of that Table (as for row (3) of that Table, item (i) or (ii)) to be designated by ordinances of the local government, taking into consideration the climate and natural features of the region concerned, and circumstances of land use, etc., in an area exceeding 5 meters in horizontal distance from the boundary line of the site, on a level plane at a height from average ground level (in rows (2) and (3), of the heights from the average ground level set forth in the relevant each row, those designated by the local government under ordinances taking into consideration the circumstances of land use in the relevant area) (excluding the part outside target areas, High-rise residential Attraction Districts, Special Districts for Urban Renaissances, and the part in the site of the relevant building) set forth in those rows of column (c) of that Table (in row (4), (a) or (b) of that row). Provided, however, this shall not apply when the Designated Administrative Agency has granted permission after concluding that there is no likely detriment to the surrounding residential environment in view of the land conditions, etc., upon obtaining the consent of the Building Review Council or if the relevant building for which permission has been granted is to be added, rebuilt or relocated in accordance with a position and a scale specified by Cabinet Order as that which will not likely be detrimental to the residential environment in the surrounding areas.

(2) If there are two or more buildings on the same site, buildings shall be

- regarded as one building in applying the provision of the preceding paragraph.
- (3) Measures for relaxing the provisions referred to in the main clause of paragraph (1) shall be specified by Cabinet Order for cases where the site of a building abuts on a road, river, sea or the like, where unevenness between the site of a building and the adjacent land lot is extreme, or where there is some other special circumstance similar thereto.
 - (4) Buildings exceeding 10 meters in height located outside target areas which shade land in target areas on the day of the winter solstice shall be considered to be located inside the target area concerned, and shall be subject to the provisions of paragraph (1).
 - (5) If buildings extend into areas with different restrictions regarding shadow hours under paragraph (1), or where buildings in target areas shade land in other target areas on the day of the winter solstice, necessary items concerning application of the provisions referred to in that paragraph shall be specified by Cabinet Order.

(Relaxation of Restriction on Height of Buildings to be Erected on Elevated Structures)

- Article 57 (1) With respect to buildings to be erected on elevated structures, the provisions of the preceding three Articles shall not apply if the Designated Administrative Agency concludes that there is no objection from the viewpoint of traffic, safety, fire prevention, and sanitation due to surrounding conditions.
- (2) With respect to buildings (excluding those erected under elevated roads) on roads, the provisions of Article 56 paragraph (1), item (i) and paragraphs (2) through (4) shall not apply.

(Special Rules for the Floor Area Ratio in a Building in Exceptional Floor Area Ratio Districts)

- Article 57-2 (1) Parties with ownership rights, either superficies or leases to own buildings (excluding cases where it is clearly established for temporary equipment or other temporary use. hereinafter referred to as "leasehold") or persons to get their consents, of two or more building lots in Exceptional Floor Area Ratio Districts (including cases where more than half of land that must be the site of the building or of a site that is partly inside and partly outside of the relevant Exceptional Floor Area Ratio Districts is part of the relevant Exceptional Floor Area Ratio Districts; the same in this paragraph), shall apply, either individually or jointly, to the Designated Administrative Agency for designation of a limit of special floor area ratio (hereinafter in this Article and in Article 60-2, paragraph (4), referred to as "Special Floor Area Ratio") on each of these two or more sites (hereinafter in this Article and the following Article referred to as "Special Sites"), according to the stipulations by Ministry

of Land, Infrastructure, Transport and Tourism Order.

- (2) Parties intending to make the application under the preceding paragraph must be required to get, in advance, the consent of other interested parties in the Special Sites to be applied, according to Cabinet Order, than the applicants nor the one who give the consents under the preceding paragraph.
- (3) If the Designated Administrative Agency finds that the application under paragraph (1) falls under any of the requirements set forth in the following items, it designates a limit of the special floor area ratios to each special sites, based on the relevant application.
 - (i) the total of the values obtained by multiplying the site areas of each Special Sites related to the application by the limits of the Special Floor Area Ratios related to the application shall be equal to or less than the total of the values obtained by multiplying the site area of each of the relevant Special Sites by the limit of the floor area ratio (when the limit on the Special Floor Area Ratios related to the relevant Special Sites has already been public noticed pursuant to the following paragraph, the relevant Special Floor Area Ratios; hereinafter in this item referred to as "standard floor area ratio") of each building under the provisions of each item (excluding items (v) through (vii); the same in this item) of Article 52, paragraph (1). In this case, the limit of the relevant standard floor area ratio when one of the relevant Special Sites is located in two or more districts or areas subject to restrictions on the standard floor area ratio shall be the total obtained by multiplying the limit on the floor area ratio of the building inside the relevant district or area under each item of paragraph (1) of that Article by the ratio of the area of the site that is the area of each part of the surface area of the Special Site that is within each of the relevant districts or areas;
 - (ii) the limits of the Special Floor Area Ratios related to the application shall be equal to or higher than the floor area ratios of the buildings already in the corresponding Special Sites related to the application or the floor area ratios in the plans for the buildings already under construction;
 - (iii) the limit of each Special Floor Area Ratios related to the application shall be set, accounting for the necessity to use the building on each of the Special Sites related to the application and surrounding conditions, so that by constructing buildings with capacity suited to each of the relevant Special Sites, the land on each of the relevant Special Sites is used appropriately and rationally. In this case, those of the limits of the Special Floor Area Ratios related to the application which exceed the limit under Article 52, paragraph (1) and paragraphs (3) through (8) shall be set so that a building constructed in compliance with the relevant limit of the Special Floor Area Ratio shall not be detrimental for traffic, safety, fire prevention, and sanitation.
- (4) When the Designated Administrative Agency designates limits under the

preceding paragraph, it must immediately give public notice of the limits of the Special Floor Area Ratios, the locations of the Special Sites, and other matters specified by Ministry of Land, Infrastructure, Transport and Tourism Order, and shall also provide drawings and documents showing matters specified by Ministry of Land, Infrastructure, Transport and Tourism Order in its office and make them available for public inspection.

- (5) A designation under paragraph (3) shall come into effect by means of the public notice under the preceding paragraph.
- (6) When the limits of the Special Floor Area Ratios have been public noticed pursuant to the provisions of paragraph (4), the limits of the relevant Special Floor Area Ratios shall be regarded as the values r set forth in Article 52, each item of paragraph (1) and the provisions of that Article shall be applied to buildings on the relevant Special Sites.
- (7) When the Designated Administrative Agency has, in a case where there is an application under paragraph (1) concerning one of the Special Sites that has been public noticed pursuant to the provisions of paragraph (4), performed the designation under paragraph (3) related to the relevant application (hereinafter in this paragraph referred to as "new designation"), the previous designation based on the provisions of paragraph (3) concerning the relevant Special Site shall cease to be effective and remain invalid on the day of the public announcement of the new designation under paragraph (4).

(Revocation of a designation)

- Article 57-3 (1) Parties with ownership rights or leasehold to the land with public notices of Special Sites pursuant to the provisions of paragraph (4) of the preceding Article shall, with unanimous agreement by all the parties, apply to the Designated Administrative Agency for cancellation of the relevant designation under paragraph (3) of that Article. In this case, the agreement of parties with interest specified by Cabinet Order concerning the relevant Special Sites must be obtained in advance.
- (2) If the floor area ratios of buildings already on the respective special site or the planned floor area ratios of the buildings currently under construction related to the relevant application are below the limit under Article 52, paragraphs (1) through (9), and if the Designated Administrative Agency finds that the structures of the relevant buildings are not detrimental for traffic, safety, fire prevention, and sanitation, it revokes the designation related to the relevant application.
 - (3) When a Designated Administrative Agency cancels the application under the preceding paragraph, as specified by Ministry of Land, Infrastructure, Transport and Tourism Order, it must immediately publicly notify to that effect.

- (4) The cancellation under paragraph (2) shall come into effect when it is public noticed under the preceding paragraph.
- (5) In addition to the provisions of the preceding two paragraphs, matters necessary concerning the cancellation of the designation under paragraph (2) shall be specified by Ministry of Land, Infrastructure, Transport and Tourism Order.

(Limit on the Height of a Building in Exceptional Floor Area Ratio Districts)

Article 57-4 (1) In Exceptional Floor Area Ratio Districts, when the maximum height of buildings is specified in a city planning for Exceptional Floor Area Ratio District must be equal to or lower than the relevant maximum limit. Provided, however, that this shall not apply for those of which the Designated Administrative Agency has found that there is unavoidable because the use or the structure and granted permission.

- (2) The provisions of Article 44, paragraph (2) shall apply mutatis mutandis to the approval under the proviso in the preceding paragraph.

(High-rise residential Attraction Districts)

Article 57-5 (1) In High-rise residential Attraction Districts, when the maximum building coverage ratio is specified in a city planning for High-rise residential Attraction Districts, the building coverage ratio of buildings must be equal to or lower than the relevant maximum in must be equal to or lower than the maximum limit.

- (2) When the building site extends inside and outside High-rise residential Attraction Districts under the case of the preceding paragraph, the upper limit of the building coverage ratio specified in city planning for the relevant High-rise residential Attraction Districts shall be considered to be the limit on the building coverage ratio in the districts concerned under Article 53, paragraph (1), and the provisions of paragraph (2) of that Article shall be applied.
- (3) If a lower limit of the building site area is specified in city planning for High-rise residential Attraction Districts, the provisions of Article 53-2 (excluding paragraph (2)) shall apply mutatis mutandis. In this case, the term, "Use Districts" in paragraph (1) of that Article shall be replaced with "High-rise residential Attraction Districts."
- (4) A building in High-rise residential Attraction Districts shall be considered to be outside of a target area provided for in Article 56-2, paragraph (1) and the provisions of that Article shall apply. When provisions referred to in paragraph (4) of that Article are applied in this case, the words, "land in the target areas" in that paragraph shall read, "land in the target areas (excluding High-rise residential Attraction Districts)".

(Height Control Districts)

Article 58 In Height Control Districts, the height of buildings must comply with the conditions specified in city planning for Height Control Districts.

(High-level Use Districts)

Article 59 (1) In High-level Use Districts, the floor area ratio of a building, the building coverage ratio of a building, and the building area of a building (or the each of building areas if there are two or more buildings on the same site) must be in compliance with the conditions specified in city planning for High-level Use Districts. Provided, however, that this shall not apply to buildings coming under any of the following items:

- (i) buildings of which principal building parts are of wooden structure, steel structure, concrete block structure or other structure similar thereto, which have two stories or less, and further, have no basement, and can be easily relocated or demolished;
- (ii) public lavatories, police boxes, or other buildings similar thereto which are necessary for the public interest;
- (iii) schools, station buildings, wholesale markets, or other similar buildings that are necessary for the public good and have been found that there is unavoidable because the use or the structure, and granted permission by the Designated Administrative Agency.

(2) In High-level Use Districts, walls of buildings or columns that replaces the walls must not be erected in violation of restrictions on the location of wall surfaces as specified in city planning for High-level Use Districts, except for the parts of buildings below ground level and the columns of promenades or the like as designated by the Minister of Land, Infrastructure, Transport and Tourism. Provided, however, that this shall not apply to buildings coming under any item of the preceding paragraph.

(3) With respect to buildings in High-level Use Districts, the upper limit of the floor area ratio of a building as specified in city planning for the relevant High-level Use District shall be regarded as the value set forth in each item of Article 52, paragraph (1) and the provisions of that Article shall apply.

(4) In High-level Use Districts, the provisions of Article 56, paragraph (1), item (i) and paragraphs (2) through (4) shall not apply to buildings which the Designated Administrative Agency has permitted after concluding that there is no objection from the viewpoint of traffic, safety, fire prevention, and sanitation, due to the fact that the site concerned has effective open space abutting on a road or for other reasons.

(5) The provisions of Article 44, paragraph (2) shall apply mutatis mutandis when permission is granted under paragraph (1), item (iii) or the preceding paragraph.

(Special Rules regarding the Floor Area Ratio of Buildings with Large Open Space on Their Sites)

- Article 59-2 (1) With respect to buildings having open space on their sites as specified by Cabinet Order and having site area of at least the scale specified by Cabinet Order, which the Designated Administrative Agency has permitted, after concluding that there is no objection from the viewpoint of traffic, safety, fire prevention, and sanitation, and further, that those buildings contribute to the adjustment and improvement of the environment of the urban area concerned as a result of comprehensive consideration given to the building coverage ratio, the floor area ratio, and the height of each part, the floor area ratio of a building or the height of each part thereof may exceed the limits under Article 52, paragraphs (1) through (9); Article 55, paragraph (1); Article 56; or Article 57-2, paragraph (6) within the scope of the permission.
- (2) The provision of Article 44, paragraph (2) shall apply mutatis mutandis when permission is granted under the preceding paragraph.

(Specified Blocks)

- Article 60 (1) In Specified Blocks, the floor area ratio of a building and the height of a building must not exceed the limits specified in city planning for Specified Blocks.
- (2) In Specified Blocks, walls of buildings or columns that replaces the relevant walls must not be erected in violation of restrictions on the location of wall surfaces as specified in city planning for Specified Blocks, except for the parts of buildings below the ground level and the columns of promenades or the like as designated by the Minister of Land, Infrastructure, Transport and Tourism.
- (3) The provisions of Article 52 through the preceding Article, and Article 60-3, paragraph (1) and paragraph (2) shall not apply to buildings in Specified Blocks.

Section 4-2 Special Districts for Urban Renaissance, Guided Land Use Districts for Residential Environment Improvement and Special Use Attraction Districts

(Special Districts for Urban Renaissance)

- Article 60-2 (1) In Special Districts for Urban Renaissance the floor area ratio of a building, the building coverage ratio of a building, the building area of a building (or the each of building areas if there are two or more buildings on the same site) and the height of a building must be in compliance with the conditions specified in city planning for Special Districts for Urban Renaissance. Provided, however, that this shall not apply to buildings coming

under any of the following items:

- (i) buildings of which principal building parts are of wooden structure, steel structure, concrete block structure or other structure similar thereto, which have two stories or less, and further, have no basement, and can be easily relocated or demolished;
 - (ii) public lavatories, police boxes, or other buildings similar thereto which are necessary for the public interest;
 - (iii) schools, station buildings, wholesale markets, or other similar buildings that are necessary for the public good and have been found that there is unavoidable because the use or the structure, and granted permission by the Designated Administrative Agency.
- (2) In Special Districts for Urban Renaissance, walls or columns that replaces the relevant walls must not be erected in violation of restrictions on the location of wall surfaces as specified in city planning for Special Districts for Urban Renaissance, except for the parts of buildings below ground level and the columns of promenades or the like as designated by the Minister of Land, Infrastructure, Transport and Tourism. Provided, however, that this shall not apply to buildings coming under any item of the preceding paragraph.
- (3) The provisions of Articles 48 through 49-2 shall not apply to buildings provided for uses that should be guided specified by city planning for Special Districts for Urban Renaissance.
- (4) With respect to buildings in Special Districts for Urban Renaissance, the upper limit of the floor area ratio of the buildings shall be regarded as the value designated in city planning for the relevant Special Districts for Urban Renaissance, set forth in each item of Article 52, paragraph (1) (including the value of the limit on the special floor area ratio that is considered to be the relevant value pursuant to the provisions of Article 57-2, paragraph (6)).
- (5) The provisions of Article 56, Article 57-4, Article 58 and Article 60-3, Paragraph (2) shall not apply to buildings in Special Districts for Urban Renaissance
- (6) A building in Special Districts for Urban Renaissance shall be considered to be outside of a target area provided for in Article 56-2, paragraph (1) and the provisions of that Article shall apply. When provisions referred to in paragraph (4) of that Article are applied in this case, the words "land in the target areas" in that paragraph shall read, "land in the target areas (excluding Special Districts for Urban Renaissance)."
- (7) The provisions of Article 44, paragraph (2) shall apply mutatis mutandis when permission is granted under paragraph (1), item (iii).

(Guided Land Use District for Residential Environment Improvement)

Article 60-2-2 (1) In Land Use Guiding Districts for Residential Environment

Improvement, when the maximum building coverage ratio is specified in a City Planning for Land Use Guiding Districts for Residential Environment Improvement, the building coverage ratio of buildings must be equal to or lower than the relevant maximum in must be equal to or lower than the maximum limit. Provided, however, this shall not apply to buildings coming under any of the following items:

- (i) public toilets, police boxes or other buildings similar thereto that are necessary for the public interest;
 - (ii) schools, station buildings, wholesale markets, or other similar buildings that are necessary for the public good and have been found that there is unavoidable because the use or the structure, and granted permission by the Designated Administrative Agency.
- (2) In Land Use Guiding Districts for Residential Environment Improvement, the walls of a building or columns that substitute for walls shall, when restrictions on the position of the wall surface have been specified in city planning for Land Use Guiding Districts for Residential Environment Improvement, be built in accordance with the relevant restrictions on the position of the wall surface, excluding the parts below ground level and the columns of promenades or parts similar thereto as designated by the Minister of Land, Infrastructure, Transport and Tourism. Provided, however, this shall not apply to buildings coming under any of the items in the preceding paragraph.
- (3) In Land Use Guiding Districts for Residential Environment Improvement, when the maximum height of buildings is specified in a city planning for Land Use Guiding Districts for Residential Environment Improvement must be equal to or lower than the relevant maximum limit. Provided, however, that this shall not apply for those of which the Designated Administrative Agency has found that there is unavoidable because the use or the structure and granted permission.
- (4) In Land Use Guiding Districts for Residential Environment Improvement, a local government may relax the restrictions under Article 48, Paragraphs (1) through (13), when the organization deems it necessary to do so for the purpose of designation in the relevant district by establishing an ordinance, after having obtained approval thereof from the Minister of Land, Infrastructure, Transport and Tourism.
- (5) The provisions of Article 44, paragraph (2) shall apply mutatis mutandis when permission is granted under the provision of paragraph (1), item (ii) or under the proviso in paragraph (3).

(Special Use Attraction District)

Article 60-3 (1) In Special Use Attraction Districts, when the minimum floor area ratio and minimum building area (if there are two or more buildings

within the same site, the building areas of each of those buildings) of buildings are specified in city planning for Special Use Attraction Districts, these must be higher than the relevant minimum limit. Provided, however, that these requirements shall not apply to buildings coming under any of the following items.

- (i) buildings with principal structural parts made of wood, steel frames, concrete blocks, or other similar structures, which have two or fewer floors, and which have no basements and can easily be relocated or removed;
 - (ii) public lavatories, police boxes, or other similar buildings that are necessary for the public good;
 - (iii) schools, station buildings, wholesale markets, or other similar buildings that are necessary for the public good and have been found that there is unavoidable because the use or the structure, and granted permission by the Designated Administrative Agency.
- (2) In Special Use Attraction Districts, when the maximum height of buildings is specified in city planning for Special Use Attraction Districts, the height of the buildings must be equal to or lower than the relevant maximum height. Provided, however, that this shall not apply for those of which the Designated Administrative Agency has found that there is unavoidable because the use or the structure and granted permission.
- (3) In Special Use Attraction Districts, a local government may relax the restrictions under t Article 48, paragraphs (1) through (13) with the approval of the Minister of Land, Infrastructure, Transport and Tourism under an ordinance, when the local government has recognized that it is necessary to do so for the designated purpose of the district.
- (4) The provisions of Article 44, paragraph (2) shall apply mutatis mutandis when permission is granted under paragraph (1), item (iii) or the proviso of paragraph (2).

Section 5 Fire Prevention Districts and Quasi-fire Prevention Districts

(Buildings in Fire Prevention Districts and Quasi-fire Prevention Districts)
Article 61 Buildings in Fire Prevention Districts or Quasi-fire Prevention Districts shall have opening protective assemblies that are specified by Cabinet Order, such as fire doors in their openings in exterior walls that are the parts liable to catch fire. Building parts such as walls, columns and floors and the relevant opening protective assemblies must conform to the technical criteria established by Cabinet Order according to the classification of Fire Prevention Districts and Quasi-fire Prevention Districts concerning the performance required for those parts and assembly in order to prevent the spread of fire to the surrounding areas resulting from a normal fire, and which use the

construction methods established by the Minister of Land, Infrastructure, Transport and Tourism or which were approved by the Minister. Provided, however, that this shall not apply to gates or fences of 2 meters or less in height or those attached to buildings (excluding wooden buildings, etc.) located in Quasi-fire Prevention Districts.

(Roofs)

Article 62 The construction of roofs of buildings in Fire Prevention Districts or Quasi-fire Prevention Districts must conform to technical criteria established by Cabinet Order according to the construction methods and category of use of the building concerning the performance necessary for a roof to prevent the occurrence of a fire in the building caused by burning brands assumed to accompany a fire in urban areas, and which uses construction methods established by the Minister of Land, Infrastructure, Transport and Tourism or which was approved by the Minister.

(Exterior Walls Abutting on Boundary Lines with Adjacent Land Lots)

Article 63 With respect to buildings which are located in Fire Prevention Districts or Quasi-fire Prevention Districts and of which exterior walls are of fire-resistive construction, those exterior walls may abut on the boundary lines with adjacent land lots.

(Fire Preventive Measures for Sign Boards)

Article 64 With respect to sign boards, advertisement towers, decoration towers and other structures similar thereto which are located in Fire Prevention Districts, and which are constructed on the roofs of buildings or exceed 3 meters in height, the main part thereof must be made of or covered with noncombustible materials.

(Measures for Buildings Extending Outside Fire Prevention Districts or Quasi-fire Prevention Districts)

Article 65 (1) If a building extends outside a Fire Prevention District or a Quasi-fire Prevention District into an area not designated as either district, the provisions applicable to buildings within Fire Prevention Districts or Quasi-fire Prevention Districts, as the case may be, shall apply to the entire building. Provided, however, that if the building is separated by fire walls outside the Fire Prevention Districts or Quasi-fire Prevention Districts, this shall not apply to the part outside the fire walls.

(2) If a building lies partly in a Fire Prevention District and partly in a Quasi-fire Prevention District, the provisions applicable to buildings within Fire Prevention Districts shall apply to the entire building. Provided, however, that

if the building is separated by fire walls outside the Fire Prevention Districts, the provisions applicable to buildings within Quasi-fire Prevention Districts shall apply to the part outside the fire walls.

(Application of Article 38 Mutatis Mutandis)

Article 66 The provisions of Article 38 shall apply mutatis mutandis to the provisions referred to in this Section and any orders based upon those provisions, in relation to buildings in which unforeseen special structural methods and construction materials are used.

Section 5-2 Specified Disaster Prevention Block Improvement Zone

(Specified Disaster Prevention Block Improvement Zone)

Article 67 (1) A building in a Specified Disaster Prevention Block Improvement Zone must be a fireproof building or a quasi fire-proof building. Provided, however, that this shall not apply in buildings coming under any of the following items.

- (i) one-story annex building with total floor area of 50 square meters or less, of which exterior walls and soffits are fire preventive construction;
- (ii) sheds of wholesale markets, machinery manufacturing factories or other buildings of which use involves equal or less danger of outbreak of fire than these buildings, of which principal building parts are made of noncombustible materials and buildings of similar construction thereto;
- (iii) gates or fences with height in excess of 2 meters, constructed of or covered with noncombustible materials;
- (iv) gates or fences of 2 meters or less in height.

(2) In a case where a building is in both a Specified Disaster Prevention Block Improvement Zone and in a district that is not designated as a Specified Disaster Prevention Block Improvement Zone, the provisions of the preceding paragraph shall apply to the entire building. Provided, however, that in a case where this building has a fire wall in out of the Specified Disaster Prevention Block Improvement Zone, this shall not apply to parts beyond this fire wall.

(3) In a Specified Disaster Prevention Block Improvement Zone, the area of the site of a building must be equal to or larger than the minimum site area of a building specified by city planning for the Specified Disaster Prevention Block Improvement Zone. Provided, however, that this shall not apply to the site of a building coming under any of the following items.

- (i) public toilets, police boxes, or other buildings similar thereto necessary for the public interest;
- (ii) those of which the Designated Administrative Agency has found that there is unavoidable because the use or the structure and granted permission.

- (4) The provisions of Article 53-2, paragraph (3) shall apply mutatis mutandis if the minimum site area of a building in the preceding paragraph has been specified or revised in the city planning. In this case, the term "paragraph (1)" in paragraph (3) of that Article shall be replaced with "Article 67, paragraph (3)".
- (5) In a Specified Disaster Prevention Block Improvement Zone, when restrictions on the location of walls in city planning for Specified Disaster Prevention Block Improvement Zone have been designated, walls of buildings or columns that replaces the relevant walls, excluding parts of the building under the ground surface, must not be constructed in violation of the restrictions relevant wall. Provided, however, that this shall not apply to the buildings coming under any of the following items.
- (i) building set forth in paragraph (3), item (i);
 - (ii) schools, station buildings, wholesale markets, or other similar buildings that are necessary for the public good and have been found that there is unavoidable because the use or the structure, and granted permission by the Designated Administrative Agency.
- (6) In a Specified Disaster Prevention Block Improvement Zone, the frontage ratio (refers to the ratio of the length of the part of the site that faces the Urban Safety Plan Facility (refers to an Urban Safety Plan Facility in Article 31, paragraph (2) of the Concentrated Urban Areas Development Act: same shall apply below in this Article) to the total length of the site) and the height of a building facing to the Areas must be equal to or more than these minimum values, when the minimum frontage ratio of buildings and the minimum height of buildings, to the relevant Urban Safety Plan Facility, are designated in city planning for Specified Disaster Prevention Block Improvement Zone.
- (7) Parts of the building that is lower than the minimum height of a buildings provided for in the preceding paragraph (excluding parts that exceed the minimum frontage ratio related to the Urban Safety Plan Facility of the building provided by the preceding paragraph), under the case of that paragraph must be constructed so that it effectively prevents fire with, for example, installing a wall without voids.
- (8) Items necessary to calculate the frontage ratio and the height facing to the Urban Safety Plan Facility of a building in the preceding two paragraphs shall be specified by Cabinet Order.
- (9) The provisions of the preceding 3 paragraphs shall not apply to buildings coming under any of the following items.
- (i) building set forth in paragraph (3), item (i);
 - (ii) schools, station buildings, wholesale markets, or other similar buildings that are necessary for the public good and have been found that there is unavoidable because the use or the structure, and granted permission by the

Designated Administrative Agency.

(10) The provisions of Article 44, paragraph (2) shall apply mutatis mutandis to a case where permission is given under paragraph (3), item (ii), paragraph (5), item (ii), or item (ii) of the preceding paragraph.

(Application of Article 38 Mutatis Mutandis)

Article 67-2 The provisions of Article 38 shall apply mutatis mutandis to the application of the provisions referred to in paragraphs (1) and (2) of the preceding Article, in relation to buildings in which unforeseen special structural methods and construction materials are used.

Section 6 Landscape Districts

Article 68 (1) In a Landscape District, when the maximum height of buildings and the minimum height of buildings are specified by city planning for Landscape Districts, the height of buildings must be equal to or lower than the relevant maximum height, or be equal to or higher than the relevant minimum limit. Provided, however, that this shall not apply to buildings coming under any of the following items.

(i) public toilet, police box, or other building similar thereto necessary for the public interest;

(ii) those of which the Designated Administrative Agency has found that there is unavoidable because the use or the structure and granted permission.

(2) In a Landscape District, the walls or columns that replaces the relevant walls of a building shall, in a case where restrictions on the location of wall surfaces are specified by city planning for Landscape Districts, not be constructed in non-compliance with the relevant restrictions on the locations of the relevant wall surfaces, excluding parts of the building below ground level. Provided, however, that this shall not apply to buildings coming under any of the following items.

(i) buildings set forth in item (i) of the preceding paragraph;

(ii) schools, station buildings, wholesale markets, or other similar buildings that are necessary for the public good and have been found that there is unavoidable because the use or the structure, and granted permission by the Designated Administrative Agency;

(3) In a Landscape District, the site area of a building must be not less than the relevant minimum site area, in a case where the minimum site area of buildings is specified by city planning for Landscape Districts. Provided, however, that this shall not apply to the sites of buildings coming under any of the following items.

(i) buildings set forth in paragraph (1), item (i);

- (ii) those of which the Designated Administrative Agency has found that there is unavoidable because the use or the structure and granted permission
- (4) The provisions of Article 53-2, paragraph (3) shall apply mutatis mutandis in a case where the minimum site area of a building is specified by city planning in the preceding paragraph or has been revised. In this case, the term "paragraph (1)" in paragraph (3) of that Article shall be replaced with, "Article 68, paragraph (3)".
- (5) A building that is in a Landscape District where the maximum height of buildings, restrictions on the location of wall surfaces (limited to those that include restrictions on the position of wall surfaces facing a road), and the minimum site area of buildings are specified by city planning for Landscape Districts (limited to the Districts where restrictions on the locations of structures (including any other structures not anchored to the ground) in Wall Surfaces Setback Area (refers to part of the land between site boundary and the line of the limit specified as the restriction on the location of the relevant wall surfaces, under the Ordinance on restrictions on structures, under the Article 72, paragraph (2) of the Landscape Act) are set, for the purpose of continuous effective open space in the relevant Wall Surfaces Setback Area), shall be exempted from the provisions of Article 56 if, because the relevant building complies with the provisions of the city planning for relevant Landscape Districts, and has effective open space in its site, the Designated Administrative Agency recognizes that its exemption from the relevant provisions will not be detrimental from the viewpoint of traffic, safety, fire protection, and sanitation.
- (6) The provisions of Article 44, paragraph (2) shall apply mutatis mutandis in cases of approval under paragraph (1), item (ii); paragraph (2), item (ii); or paragraph (3) item (ii).

Section 7 Areas of District Plans

(Restrictions Based on Ordinance of Municipality)

- Article 68-2 (1) A municipality may prescribe by ordinances that in areas of District Planning, etc. (limited to the areas where District Development Plans, Specified Building District Development Plans, Disaster Prevention Block Improvement Zone Plans, Historic Scenery Maintenance And Improvement District Development Plans, Roadside District Development Plans, or Rural Hamlet District Improvement Plans (hereinafter referred to as "District Development Plans, etc.") is established), items concerning the site, structure, building equipment or use of buildings in the content of the District Planning, etc. concerned can be restrictions on those items of buildings.
- (2) Restrictions under the preceding paragraph shall be effected as to especially

important items among those under that paragraph in compliance with the standards established by Cabinet Order in consideration of those items as the necessity for utilization of buildings, circumstances of land use, etc., in areas of District Plans, Disaster Prevention Block Improvement Zone Plans, Historic Scenery Maintenance And Improvement District Plans, or Roadside District Plans with the aim of ensuring property city functions and sound city environments, and in areas of Rural District Plans with the aim of ensuring favorable living environments and proper land use which match characteristics of areas for the Rural District Plans concerned, within limits considered reasonable in each case.

- (3) If restrictions on the site area of a building are specified by ordinances based on the provisions of paragraph (1), those ordinances shall have provisions for exemption with respect to land which is actually used as the site of a building at the time of enforcement application of the provisions referred to in the relevant ordinances and is not in compliance with the relevant provisions, or with respect to land which comes to be unconformable to the relevant provisions if it is used as the site of a building on the basis of actually existing ownership or other right, for cases where the entire area of the relevant land is used as one site.
- (4) If restrictions on the construction methods of buildings necessary for fire prevention are specified by ordinances based on the provisions of paragraph (1), those ordinances shall have measures concerning the application of the provisions to buildings extending outside of the area subject to the restrictions concerned as an example of the provisions referred to in Article 65.
- (5) When a municipality finds that it is necessary to supplement restrictions on use in Use Districts in order to achieve the goal of increasing land use suited to the characteristics of the areas in the relevant District Planning, etc. (excluding Rural District Plans), the municipality may relax the restrictions under Article 48, paragraphs (1) through (13) under an ordinance based on the provisions of paragraph (1) with the approval of the Minister of Land, Infrastructure, Transport and Tourism.

(Relaxation of Regulations in Redevelopment Promotion Districts)

Article 68-3 (1) In areas where the upper limit of the floor area ratio of buildings is specified, and which is, from among areas in District Plans or in Roadside District Plans, Redevelopment Promotion Districts (refers to Redevelopment Promotion Districts under the provisions of Article 12-5, paragraph (3) of the City Planning Act; the same applies hereinafter), or Roadside Redevelopment Promotion Districts (refers to Roadside Redevelopment Promotion Districts under the provisions of Article 9, paragraph (3) of the Roadside Development Act; the same applies hereinafter), and which is an area specified by District

Development Plans or Roadside District Development Plans, the provisions of Article 52 shall not apply to a building that complies with the provisions of the relevant District Development Plans or the relevant Roadside District Development Plans if the Designated Administrative Agency has confirmed that there is no objection from the viewpoint of traffic, safety, fire protection, and sanitation.

- (2) In areas which are, from among areas in District Plans or in Roadside District Plans, Redevelopment Promotion Districts or Roadside Redevelopment Promotion Districts (among areas specified by District Development Plans or Roadside District Development Plans, limited to districts where the upper limit of the building coverage ratio of a building is specified as a value equal to or less than 6/10 in the relevant District Development Plans or Roadside District Development Plans), the provisions of Article 53, paragraphs (1) through (3), paragraphs (7) and (8) shall not apply to a building that complies with the provisions of the relevant District Development Plans or the relevant Roadside District Development Plans if the Designated Administrative Agency has confirmed that it will not be detrimental from the viewpoint of traffic, safety, fire protection, and sanitation.
- (3) In areas which are, from among areas in District Plans or in Roadside District Plans, Redevelopment Promotion Districts or Roadside Redevelopment Promotion Districts (limited to the areas where District Development Plans or Roadside District Development Plans are established and the maximum height of buildings is specified as 20 meters or less), the provisions of Article 55, paragraphs (1) and (2) shall not apply to buildings which conform to the contents of the relevant District Plans or Roadside District Plans concerned and of which site area is at least as large as that specified by Cabinet Order, if the Designated Administrative Agency concludes that there is no objection from the viewpoint of traffic, safety, fire prevention and sanitation.
- (4) In areas which are, from among areas in District Plans or in Roadside District Plans, Redevelopment Promotion Districts or Roadside Redevelopment Promotion Districts (limited to the areas where District Development Plans or Roadside District Development Plans are established; the same in paragraph (6)), the provisions of Article 56 shall not apply to buildings which, having provided effective open space on the site, etc., the Designated Administrative Agency has granted permission after concluding that there is no objection from the viewpoint of traffic, safety, fire prevention and sanitation.
- (5) The provision of Article 44, paragraph (2) shall apply *mutatis mutandis* when permission is granted under the preceding paragraph.
- (6) In applying the provisions referred to in Article 48, paragraphs (1) through (13) (including cases where these provisions apply *mutatis mutandis* in Article 87, paragraph (2) or (3) to buildings in Redevelopment Promotion Districts or

Roadside Redevelopment Promotion Districts among areas of District Plans or Roadside District Plans, the phrase "or that it is permissible in light of the public interest" in Article 48, paragraphs (1) through (12) and paragraph (13), shall read "or that it is permissible in light of the public interest, or that it conforms to basic policies on land use specified in District Plans or Roadside District Plans, and that it is permissible to promote convenience of business in the areas of the relevant District Plans or Roadside District Plans", the phrase "that it is necessary for the conducting of industry or for the public interest" in paragraph (12) of that Article, shall read "that it is necessary for the conducting of industry or for the public interest, or that it conforms to basic policies on land use specified in District Plans or Roadside District Plans, and that it is permissible to promote convenience of business in the areas of the relevant District Plans or Roadside District Plans".

- (7) In areas which are, from among areas in District Plans, Development and Improvement Promotion Districts (refers to Development and Improvement Promotion Districts under the provision of Article 12-5, paragraph (4) of the City Planning Act; the same applies hereinafter), and which are specified by District Development Plans (limited to areas specified by the relevant District Development Plans as the areas specified in Article 12-12 of the same Act), the provisions of Article 48, paragraphs (6), (7), (12) and (14) shall not apply to buildings which, among those set forth in row (m) of Appended Table 2, conform to the contents of the relevant District Development Plans, if the Designated Administrative Agency has confirmed that there is no objection from the viewpoint of traffic, safety, fire protection, and sanitation.
- (8) In applying the provisions referred to in Article 48, paragraphs (6), (7), (12) and (14) (including cases where these provisions apply mutatis mutandis in Article 87, paragraph (2) or (3) to buildings in areas which are, from among areas in District Plans, Development and Improvement Promotion Districts (limited to areas specified by District Development Plans) (excluding the buildings specified in the preceding paragraph), the phrase "or that it is permissible in light of the public interest" in Article 48, paragraph (6), (7) and (14), shall read "or that is permissible in light of the public interest, or that it conforms to basic policies on land use specified in District Plans, and that it is permissible to promote convenience of commerce and other businesses in the areas of the relevant District Plans", the phrase "that it is necessary for the conducting of industry or for the public interest" in paragraph (12) of that Article, shall read "that it is necessary for the conducting of industry or for the public interest, or that it conforms to basic policies on land use specified in District Plans, and that it is permissible to promote convenience of commerce and other businesses in the areas of the relevant District Plans."
- (9) In applying the provisions referred to in Article 48, paragraphs (1) through

(13) to buildings in areas of Historic Scenery Maintenance And Improvement District Plans (limited to areas specified by Historic Scenery Maintenance And Improvement District Development Plans) (including cases where these provisions apply mutatis mutandis in Article 87, paragraph (2) or (3), the phrase "it is permissible in light of the public interest" in Article 48, paragraphs (1) through (11) and paragraph (13), shall read "it is permissible in light of the public interest, or that it conforms to basic policies on land use specified in Historic Scenery Maintenance and Improvement District Plans, and is permissible in order to maintain and improve the historical scenery (refers to historical scenery defined in Article 1 of the Historic Scenery Act) in the area of the relevant Historical Scenery Maintenance and Improvement District Plans" , the phrase "that it is necessary for the conducting of industry or for the public interest" in paragraph (12) of that Article, shall read, "that it is necessary for the conducting of industry or for the public interest, or that it conforms to basic policies on land use specified in Historic Scenery Maintenance and Improvement District Plans, and is permissible in order to maintain and improve the historical scenery (refers to historical scenery defined in Article 1 of the Historic Scenery Act) in the area of the relevant Historical Scenery Maintenance and Improvement District Plans."

(Special Rules for the Floor Area Ratio of a Building in Areas in District Planning where the Upper Limit of the Floor Area Ratio of a Building is Set According to the Characteristics of the District and is Categorized According to the State of the Provision of Public Facilities)

Article 68-4 The provisions of the ordinance in item (ii) concerning the upper limit of the floor area ratio of a building according to the state of provision of public facilities shall not apply to a building in an area in District Plans, Disaster Prevention Block Improvement Zone Plans, or Roadside District Plans, (in the case of a Disaster Prevention Block Improvement Zone Plans, limited to those for which areas of district facilities for disaster prevention provided by Article 32, paragraph (2), item (i) of the Concentrated Urban Areas Development Act (hereinafter referred to simply as "district facilities for disaster prevention") are specified; the same in this Article) that satisfies the following conditions, and that complies with the content of the relevant District Plans, Disaster Prevention Block Improvement Zone Plans, or Roadside District Plans, (excluding the upper limit of the floor area ratio of a building according to the state of provision of public facilities under Article 12-6, item (ii) of the City Planning Act, Article 32-2, item (ii) of the Concentrated Urban Areas Development Act, or Article 9-2, item (ii) of the Roadside Development Act (hereinafter in this Article referred to as "upper limit of the floor area ratio of a building according to the state of the provision of public facilities")), and if

the Designated Administrative Agency has concluded that there is no objection from the viewpoint of traffic, safety, fire protection, and sanitation:

- (i) among areas specified by a District Development Plans, Specified Building District Development Plans, Disaster Prevention Block Improvement District Development Plans, or Roadside District Development Plans, an area set forth the following items:
 - (a) upper limit of the floor area ratio of a building categorized according to the characteristics of the area under Article 12-6 of the City Planning Act, Article 32-2 of the Concentrated Urban Areas Development Act or Article 9-2 of the Roadside Development Act and according to the state of the provision of public facilities;
 - (b) the layout and scale of the facilities set forth in 1. through 3. below according to the category of the area in 1. through 3. respectively.
 - 1. area of District Development Plans: District facilities provided for in Article 12-5, paragraph (2), item (i) of the City Planning Act or facilities provided for in paragraph (5), item (i) of that Article;
 - 2. area of Disaster Prevention Block Improvement District Development Plans: District facilities provided for in Article 32, paragraph (2), item (ii) of the Concentrated Urban Areas Development Act;
 - 3. area of Roadside District Development Plans: Roadside district facilities provided for in Article 9, paragraph (2), item (i) of the Roadside Development Act or facilities provided for in paragraph (4), item (i) of that Article;
- (ii) an area where restrictions concerning the items set forth in (a) in the preceding item are provided for under ordinances based on the provisions of Article 68-2, paragraph (1).

(Special Rules regarding the Floor Area Ratio of a Building in Areas in District Planning that Categorizes Areas to Appropriately Distribute the Capacity of Buildings)

Article 68-5 In the case of a building in an area in District Plans or Roadside District Plans that satisfies the following conditions, the upper limit of the floor area ratio of a building specified by the relevant District Plans or Roadside District Plans shall be considered to be the values provided for in Article 52, paragraph (1), items (i) through (iv), and the provisions of this Article shall apply:

- (i) areas of land specified by District Development Plans or Roadside District Development Plans (limited to those for which the area of the District Development Plans or Roadside District Development Plans is categorized to set the upper limit of the floor area ratio of buildings pursuant to the provisions of Article 12-7 of the City Planning Act or Article 9-3 of the

Roadside Development Act);

(ii) an area where the upper limit of the floor area ratio of a building in the preceding item is set as a ratio that exceeds the floor area ratio of the building set in a Use District related to the relevant area shall be an area where the following items are set in a District Development Plans or in a Roadside District Development Plans and an area where restrictions concerning the following items an ordinance based on the provisions of Article 68-2, paragraph (1).

(a) lower limit of the floor area ratio of a building;

(b) lower limit of the site area of a building;

(c) restriction on the location of the wall surface (limited to those that include a restriction on the location of the wall surface facing a road).

(Special Rules regarding the Floor Area Ratio of a Building in Areas in Specified Building District Development Plans that Categorizes Areas to Appropriately Distribute the Capacity of Buildings)

Article 68-5-2 In the case of a building in an area in Disaster Prevention Block Improvement Zone Plans that satisfies the following conditions (in the case of building in an area provided by item (ii), limited to buildings that conform to the contents of the Disaster Prevention Block Improvement Zone Plans, and which the Designated Administrative Agency has approved as not being detrimental from the viewpoint of traffic, safety, fire prevention, and sanitation), the upper limit of the floor area ratio of a building specified by the relevant Disaster Prevention Block Improvement Zone Plans shall be considered to be the values provided for in Article 52, paragraph (1), items (i) through (iv), and the provisions of that Article shall apply:

(i) areas of land specified by Specified Building District Development Plans and Disaster Prevention Block Improvement Zone Plans (in both cases, limited to those for which their respective areas are categorized or not categorized to set the upper limit of the floor area ratio of buildings pursuant to the provisions of Article 32-3, paragraph (1) of the Concentrated Urban Areas Development Act);

(ii) an area where the upper limit of the floor area ratio of a building in the preceding item is set as a ratio that exceeds the floor area ratio of the building set in a Use District related to the relevant area shall be an area where the following items are set in a Specified Building District Development Plans and the area is an area for which restrictions concerning these matters are specified by ordinances based on the provisions of Article 68-2, paragraph (1).

(a) lower limit of the floor area ratio of a building;

(b) lower limit of the site area of a building;

- (c) restriction on the location of the wall surface (limited to those that include a restriction on the location of the wall surface facing a road).

(Special Rules regarding Restrictions in Areas of District Planning to Promote Advanced Use and the Renewal of Urban Functions)

Article 68-5-3 (1) With respect to buildings in areas of District Plans or Roadside District Plans coming under the following requirements, the upper limit of the floor area ratio of a building specified in the planning concerned shall be considered to be the value specified in each item in Article 52, paragraph (1), items (ii) through (iv), and the provisions in that Article shall be applied:

- (i) an area in District Development Plans or Roadside District Development Plans specified by the following items pursuant to the provisions of Article 12-8 of the City Planning Act or in Article 9-4 of the Roadside Development Act;

- (a) upper limit of the floor area ratio of a building;

- (b) lower limit of the floor area ratio of a building (if the lower limit of the frontage ratio related to the roadside development road of a building under Article 9, paragraph (6), item (ii) of the Roadside Development Act in Roadside District Development Plans and the lower limit of the height of the building are specified, these lower limits), upper limit of the building coverage ratio of the building, lower limit of the building area and restriction on the location of the wall surface of the building (in the case of a restriction on the location of the wall surface, limited to those for which it is necessary to improve the urban environment).

- (ii) areas for which restrictions are specified concerning the items (in the case of restriction on the location of the wall surface, limited to cases specified by District Development Plans or in Roadside District Development Plans) set forth in the preceding item (b) by ordinances based on the provisions of Article 68-2 paragraph (1).

- (2) The provisions of Article 56, paragraph (1), item (i) and paragraphs (2) through (4) shall not apply to a building in an area in District Plans or in Roadside District Plans that satisfies the conditions set forth in each item of the preceding paragraph and which the Designated Administrative Agency has approved, concluding that the provision of effective open space inside the site that is in contact with the road guarantees that the exemption will not be detrimental from the viewpoint of traffic, safety, fire protection, and sanitation.

- (3) The provisions of Article 44, paragraph (2) shall apply mutatis mutandis when permission is granted under the preceding paragraph.

(Special Rules regarding the Floor Area Ratio in a Building in Areas in District Planning Specified for Specified Residential Use or Use Other than

Residential)

Article 68-5-4 In the case of a building completely or partially provided for residential use that is located in an area in District Plans, Disaster Prevention Block Improvement Zone Plans, or Roadside District Development Plans that satisfies the following conditions, the upper limit of the floor area ratio of the building specified by the relevant District Plans, Disaster Prevention Block Improvement Zone Plans, or Roadside District Development Plans shall be considered to be the value provided for in Article 52, paragraph (1), item (ii) or (iii), and the provisions of that Article (excluding paragraph (8)) shall apply. Provided, however, that when the relevant buildings includes a part of which floor area is not included in the total floor area of the relevant building to calculate the total floor area of the building pursuant to the provisions of paragraph (3) of that Article, the floor area ratio of the relevant building including the floor area of the relevant part must be a value equal to or lower than 1.5 times the value provided for in paragraph (1), items (ii) and (iii) of that Article specified by city planning for the zone where the relevant building is located:

- (i) an area in District Development Plans, Specified Building District Development Plans, Disaster Prevention Block Improvement District Development Plans, or Roadside District Development Plans provided for in the following items:
 - (a) upper limit of the floor area ratio of a building (limited to those for which, pursuant to the provisions of Article 12-9 of the City Planning Act, Article 32-4 of the Concentrated Urban Areas Development Act or Article 9-5 of the Roadside Development Act respectively, the values pursuant to Article 12-9, item (i) of the City Planning Act, Article 32-4, item (i) of the Concentrated Urban Areas Development Act or Article 9-5, item (i) of the Roadside Development Act respectively shall be greater than a value provided for in Article 52, paragraph (1), item (ii) or (iii) and shall be equal to or less than 1.5 times the relevant value).
 - (b) lower limit of the floor area ratio of the building;
 - (c) lower limit of the site area of the building;
 - (d) restriction on the location of the wall surface (limited to cases including a restriction on the location of the wall surface facing a road).
- (ii) an area where restrictions on the items set forth in (b) to (d) of the preceding item are specified by an ordinance based on the provisions of Article 68-2, paragraph (1);
- (iii) case where the relevant area is inside Category 1 Residential Districts, Category 2 Residential Districts, Quasi-residential Districts, Neighborhood Commercial Districts, Commercial Districts, or Quasi-industrial Districts.

(Special Rules regarding Restrictions in Areas in District Planning that Encourages the Construction of Buildings with Height, Configuration, and Form Suitable to the Characteristics of the Area)

Article 68-5-5 (1) The provisions of Article 52, paragraph (2) shall not apply to a building in an area in District Planning, etc. (excluding Rural District Plans: the same in this Article) that satisfied the following conditions, that complies with the content of the relevant District Planning, etc. and for which the Designated Administrative Agency has concluded that the exemption will not be detrimental from the viewpoint of traffic, safety, fire protection, and sanitation:

- (i) an area in District Development Plans, etc. (excluding Rural Hamlet District Improvement Plans) provided by the following items:
 - (a) restriction on the location of the wall surface under Article 12-10 of the City Planning Act, Article 32-45 of the Concentrated Urban Areas Development Act, Article 32 of the Historic Scenery Act, or Article 9-6 of the Roadside Development Act, restriction on the installation of a structure and upper limit of the height of a building in Wall Surface Setback Area (shall refer to the area of ground between the limit line specified as the restriction on the location of the wall surface and the boundary line of the site; the same in this Article);
 - (b) upper limit of the floor area ratio of the building;
 - (c) lower limit of the site area of the building.
- (ii) an area where restrictions on the items set forth in (a) and (c) of the preceding items (excluding restrictions on the installation of a structure in Wall Surface Setback Area) are specified by an ordinance based on the provisions of Article 68-2, paragraph (1).

(2) The provisions of Article 56 shall not apply to a building in an area of a District Planning, etc. that stipulates the items set forth in items (i), (a) and (c) of the preceding paragraph, and stipulates restrictions concerning the items set forth in item (i), (a) and (c) of the preceding paragraph by an ordinance based on the provisions of Article 68-2, paragraph (1) (excluding restrictions on the installation of a structure in Wall Surface Setback Area), that complies with the contents of the relevant District Planning, etc. and for which the Designated Administrative Agency concluded that the provision of effective open space inside the site guarantees that the exemption will not be detrimental from the viewpoint of traffic, safety, fire protection, and sanitation.

(Special Rules regarding the Building Coverage Ratio of a Building in Areas of District Planning)

Article 68-5-6 The building area of part of a building in an area of District Planning, etc. (excluding Rural District Plans) that satisfies the following

conditions that is under a district facility, etc. set forth in item (i), (a) shall, if the Designated Administrative Agency concludes that it is not detrimental from the viewpoint of traffic, safety, fire prevention, and sanitation, not be included in the building area that is the grounds for the calculation of the building coverage ratio of the building under the provisions of Article 53, paragraphs (1) and (2); Article 57-5, paragraphs (1) and (2); Article 59, paragraph (1); Article 59-2, paragraph (1); Article 60-2, paragraph (1); Article 68-8; Article 86, paragraphs (3) and (4); Article 86-2, paragraphs (2) and (3); Article 86-5, paragraph (3); and Article 86-6, paragraph (1).

- (i) among areas specified by District Development Plans, etc. (excluding Rural Hamlet District Improvement Plans), areas provided by the following items;
 - (a) district facilities, etc. that are passageways or other public space similar thereto of which arrangement on the ground surface is specified. (refers to facilities provided by Article 68-4, item (i), (b), district facilities or district facilities for disaster prevention provided by Article 31, paragraph (2), item (i) of the Historic Scenery Act; the same applies hereinafter);
 - (b) restriction on the location of the wall surface (limited to those for which the location of the wall surface facing the district facility, etc. in (a) is included).
- (ii) an area where restrictions concerning the matters set forth in (b) of the preceding item are specified by an ordinance based on the provisions of Article 68-2, paragraph (1).

(Special Rules regarding Designation of Location of Roads)

Article 68-6 If the location and size or area of roadways have been specified in the District Planning, etc., the designation of location under Article 42, paragraph (1), item (v) in areas of the District Plans concerned, etc. (limited to areas where the matters specified in each of the relevant items are specified according to the categorization of the District Planning, etc. set forth in each of the following items; the same in paragraph (1) of the following Article) must be made according to the location of roadways or the area specified under the District Planning, etc. Provided, however, that this shall not apply if it is deemed unfeasible on the ground of the relationship between the location of the land intended to be used as the site of a building and the location of actually existing roads, or other similar reasons:

- (i) district Plans: Redevelopment Promotion District or Development and Improvement Promotion District (in both cases, limited to those for which the layout and scale of facilities prescribed in the provisions of Article 12-5, paragraph (5), item (i) of the City Planning Act are specified) or District Development Plans;
- (ii) disaster Prevention Block Improvement District Development Plans: Areas

- of district facilities for disaster prevention, or Disaster Prevention Block Improvement District Development Plans;
- (iii) historical Scenery Maintenance and Improvement District Plans: Historical Scenery Maintenance and Improvement District Development Plan;
- (iv) roadside District Plans: Roadside Redevelopment Promotion District (limited to those for which the layout and scale of facilities prescribed in Article 9, paragraph (4), item (i) of the Roadside Development Act are specified) or Roadside District Development Plans.
- (v) rural District Plans: Rural Hamlet District Improvement Plans.

(Designation of Planned Roads)

Article 68-7 (1) The Designated Administrative Agency may designate planned roads according to the location and size or area of roadways as specified in the District Planning, etc., in compliance with the criteria established by Cabinet Order, if the location and size or area of roadways have been specified in the District Planning, etc., and those cases come under any of the following items. Provided, however, that this shall not apply if a party, in cases of item (2) or (3), who, at the time of the designation, actually has ownership or other right to lands which include the land intended to be a site of a planned road, comes to be extremely encumbered in exercising whose right to use the relevant land due to restrictions accompanying the designation:

- (i) if consent has been obtained with respect to the designation, from the owner of the land intended to be a site of a planned road or that of other persons having interests specified by Cabinet Order;
 - (ii) in areas where main block-partitioning roads are readjusted by land readjustment work or other work equivalent thereto under the Land Readjustment Act, if the roadways pertaining to the designation integrally form a network of narrow streets newly connected with the relevant block-partitioning roads;
 - (iii) if a considerable part of roadways of which arrangement and size or area were determined has been already adjusted in the District Planning, etc., and there is a fear that the function of the adjusted roadways might be extremely hampered due to the construction, etc. of buildings on the unadjusted part of the roadways.
- (2) If the Designated Administrative Agency intends to designate planned roads pursuant to the provisions of the preceding paragraph (excluding cases of item (i) of that paragraph), it must obtain the prior consent of the Building Review Council.
- (3) The provisions of the latter part of paragraph (1) of Article 46, paragraphs (2) and (3) of that Article shall apply mutatis mutandis to cases as specified in the

preceding paragraph.

- (4) If planned roads are designated pursuant to the provisions of paragraph (1), those planned roads shall be considered to be roads as specified in Article 42, paragraph (1), and the provisions of Article 44 shall apply.
- (5) With respect to a building of which site will be abutted on or will be crossed by a planned road that is designated pursuant to the provisions of paragraph (1), and in which the Designated Administrative Agency grants permission after concluding that there is no objection from the viewpoint of traffic, safety, fire prevention, and sanitation, the planned road concerned will be considered to be a front road in Article 52, paragraph (2), and the provisions from that paragraph through paragraph (7) and paragraph (9) will apply. In this case, the surface area of that part of the site concerned that will be occupied by the planned road shall not be included in computations of the site area or part of the site area.
- (6) The provision of Article 44, paragraph (2) shall apply mutatis mutandis when permission is granted under the preceding paragraph.

(Measures for Sites of Buildings Extending Inside and Outside Areas of District Planning)

Article 68-8 If the upper limit of the floor area ratio of a building or the upper limit of the building coverage ratio of a building has been specified by ordinances based on the provisions of Article 68-2, paragraph (1), and if the site of a building extends inside and outside the area subject to the restrictions of the relevant ordinances, the upper limit of the floor area ratio of a building or the upper limit of the building coverage ratio of a building specified by the relevant ordinances shall be considered respectively to be the limit of the floor area ratio of a building under Article 52, paragraph (1) and paragraph (2), or limit of the building coverage ratio of a building under Article 53, paragraph (1), and the provisions of Article 52, paragraphs (7), (14) and (15), or Article 53, paragraph (2) and paragraphs (4) through (6) shall apply.

Section 8 Site and Construction of Buildings in Areas Other than City Planning Areas and Quasi-city Planning Areas

Article 68-9 (1) Based on the provisions of Article 6, paragraph (1), item (iv), in the areas designated by the prefectural governor upon hearing the opinions of the related municipalities, if a local government finds it necessary to conduct proper and reasonable land use that takes into consideration the status of the land use in the relevant area, the prefectural governor may set the required restrictions on the relationship between roads and a building or of which site, the floor area ratio of a building, the height of a building, and other building

sites or structure, by ordinances in compliance with criteria as specified by Cabinet Order.

- (2) In Quasi-landscape Districts under Article 74, paragraph (1) of the Landscape Act, if municipality finds it necessary to conserve good quality scenery, the municipality is able to set necessary restrictions on the height of buildings, the locations of wall surfaces, and other building sites or structure, by ordinances in compliance with criteria as specified by Cabinet Order.

Chapter III-2 Type-Approval

(Type-approval)

Article 68-10 (1) The Minister of Land, Infrastructure, Transport and Tourism may, upon application, approve certain types of building materials or principal building parts, building equipment, or other parts of buildings specified by Cabinet Order that conform to a series of provisions specified by Cabinet Order concerning criteria of construction for the relevant building materials or parts of buildings, or other technical criteria among those provisions of the preceding three Chapters or provisions of orders based thereon (including the content of approvals of construction methods, etc. under Article 68-25, paragraph (1)), (hereinafter referred to as "type-approval").

- (2) Procedures for type-approval applications and other necessary items concerning type-approval shall be specified by Ministry of Land, Infrastructure, Transport and Tourism Order.

(Certification of Specific-Type Products Manufacturers)

Article 68-11 (1) The Minister of Land, Infrastructure, Transport and Tourism shall, upon application, certify a person who performs manufacturing or newly constructing (hereinafter in this Chapter referred to simply as "manufacturing") of standardized types of building materials, parts of buildings or buildings specified by Ministry of Land, Infrastructure, Transport and Tourism Order (hereinafter in this Chapter referred to as "specific type products"), as a manufacturer of the relevant specific type products.

- (2) An applicant under the preceding paragraph must apply by submitting a written application containing the items specified by Ministry of Land, Infrastructure, Transport and Tourism Order, as specified by Ministry of Land, Infrastructure, Transport and Tourism Order.
- (3) When the Minister of Land, Infrastructure, Transport and Tourism performs the certification under paragraph (1), as specified by Ministry of Land, Infrastructure, Transport and Tourism Order, the Minister must publicly notify to that effect.

(Disqualification)

Article 68-12 A person coming under any one of the following items is not qualified for certification under paragraph (1) of the preceding Article:

- (i) a person who has been sentenced to punishment pursuant to the provisions of building standard laws and regulations, and for whom two years have not yet elapsed since the date on which relevant execution has been completed or has become no longer subject to execution;
- (ii) a person whose certification was revoked pursuant to the provisions of Article 68-21, paragraph (1) or (2), or Article 68-23, paragraph (1) or (2), and for whom two years have not yet elapsed since the date of the relevant revocation;
- (iii) a corporation of which director comes under either one of the preceding two items.

(Certification Criteria)

Article 68-13 If the Minister of Land, Infrastructure, Transport and Tourism finds that an application under Article 68-11, paragraph (1) conforms to the following criteria, the Minister must grant certification under that paragraph:

- (i) the specific type products subject to the application shall have received a type-approval concerning the parts specified by Ministry of Land, Infrastructure, Transport and Tourism Order in accordance with each kind of the relevant specific-type products;
- (ii) it shall be confirmed that manufacturing equipment, inspection equipment, inspection methods, quality control methods, and other technical production conditions necessary to maintain the quality of the relevant specific-type products subject to the application conform to technical criteria established by Ministry of Land, Infrastructure, Transport and Tourism Order.

(Renewal of Certification)

Article 68-14 (1) If a certification under Article 68-11, paragraph (1) is not renewed at an interval from five to ten years specified by Cabinet Order, it shall cease to be effective.

(2) The provisions in Article 68-11, paragraph (2) and the preceding two Articles shall apply mutatis mutandis to the renewal of certification specified in the preceding paragraph.

(Succession)

Article 68-15 When a person certified under Article 68-11, paragraph (1) (hereinafter in this Chapter referred to as "certified specific-type products manufacturer") cedes all of the specific-type products manufacturing business concerning the relevant certification or there has been a succession, merger or

division involving the relevant certified specific-type products manufacturer (limited to those for which all of the business of manufacturing the specific-type products concerning the relevant certification is ceded), the person or successor who has undertaken entire the business (when there are two or more successors, a person selected as the successor with unanimous agreement; the same in this Article), a corporation which will continue the work after the merger, or a corporation established by the merger, or a corporation that has succeeded to the entire business as a result of the division shall succeed to the position of the relevant certified specific-type products manufacturer. Provided, however, that this shall not apply if the relevant person or successor who has undertaken entire relevant business, a corporation which will continue the work after the merger, or a corporation established by the merger, or a corporation that has succeeded to the entire business as a result of the division comes under any one of the items in Article 68-12.

(Notification of Revisions)

Article 68-16 When there has been a change in items specified by Ministry of Land, Infrastructure, Transport and Tourism Order under Article 68-11, paragraph (2) (excluding minor changes specified by Ministry of Land, Infrastructure, Transport and Tourism Order), as specified by Ministry of Land, Infrastructure, Transport and Tourism Order, a certified specific-type products manufacturer must notify the Minister of Land, Infrastructure, Transport and Tourism to that effect.

(Notification of Abandonment)

Article 68-17 (1) When a certified specific-type products manufacturer has closed the business of manufacturing the specific-type products, as specified by Ministry of Land, Infrastructure, Transport and Tourism Order, the manufacturer must notify the Minister of Land, Infrastructure, Transport and Tourism to that effect in advance.

(2) When a notification under the preceding paragraph is submitted, the certification under Article 68-11, paragraph (1) for the relevant notification shall cease to be effective.

(3) When the Minister of Land, Infrastructure, Transport and Tourism receives the notification under paragraph (1), the Minister must publicly notify to that effect.

(Type-approval Obligation)

Article 68-18 (1) When a certified specific-type products manufacturer manufactures specific-type products for that certification, it must be ensured that the products conform to the type concerning the certification. Provided,

however, that this shall not apply if the relevant specific-type products are manufactured for export or for trial, and in other cases specified by Ministry of Land, Infrastructure, Transport and Tourism Order.

- (2) A certified specific-type product manufacturer must perform inspections of the specific-type products subject to the certification, and prepare and keep inspection records for them, as specified by Ministry of Land, Infrastructure, Transport and Tourism Order.

(Special Indication)

Article 68-19 (1) When a certified specific-type products manufacturer has manufactured specific-type products, the relevant manufacturer may attach a special indication to it using a method specified by Ministry of Land, Infrastructure, Transport and Tourism Order to indicate that the relevant products were manufactured by a certified specific-type products manufacturer.

- (2) No person except for the cases under the preceding paragraph shall attach an indication under that paragraph or a misleading indication thereof to any building materials, parts of buildings, or buildings.

(Special Rules for Confirmations and Inspections for Certified Specific-type Products)

Article 68-20 (1) Specific-type products manufactured by a certified specific-type products manufacturer (hereinafter in this Chapter referred to as "certified specific-type products") shall be considered to conform to the type concerning the certification under the examination specified in Article 6, paragraph (4), the certification for the confirmation under Article 6-2, paragraph (1), or the certification specified in Article 18, paragraph (3).

- (2) Certified specific-type products excluding buildings with the indication provided for in paragraph (1) of the preceding Article, or a building of a certified specific-type product that was constructed in conformity with the design drawings/specifications by a person who conducts construction administration (Kenchikushi) as specified by Ministry of Land, Infrastructure, Transport and Tourism Order, shall be considered to conform to the type concerning the certification under the inspections under Article 7, paragraph (4); Article 7-2, paragraph (1); Article 7-3, paragraph (4); Article 7-4, paragraph (1); or Article 18, paragraph (17) or (20).

(Revocation of Certification)

Article 68-21 (1) The Minister of Land, Infrastructure, Transport and Tourism must revoke the certification of a certified specific-type products manufacturer when it comes under any of the following items:

- (i) the manufacturer comes under either Article 68-12, item (i) or (iii);

- (ii) the type-approval concerning the certification has been canceled.
- (2) the Minister of Land, Infrastructure, Transport and Tourism may revoke the certification of a certified specific-type products manufacturer when it comes under any one of the following items:
 - (i) the manufacturer has violated a provision of Article 68-16, Article 68-18, or Article 68-19, paragraph (2);
 - (ii) it is concluded that the manufacturing equipment, inspection equipment, inspection method, quality control method or other technical production conditions necessary for the maintenance of quality of the certified specific-type products do not conform to technical criteria established by Ministry of Land, Infrastructure, Transport and Tourism Order in Article 68-13, item (ii);
 - (iii) the manufacturer was certified by illegal means.
- (3) When The Minister of Land, Infrastructure, Transport and Tourism revokes the certification pursuant to the provisions of the preceding two paragraphs, as specified by Ministry of Land, Infrastructure, Transport and Tourism Order, the Minister must publicly notify to that effect.

(Certification of Overseas Specific-type Products Manufacturers)

- Article 68-22 (1) The Minister of Land, Infrastructure, Transport and Tourism shall, upon application, certify a person that manufactures a specific-type product in a foreign country for export to Japan as an overseas manufacturer of the relevant specific-type product.
- (2) The provisions of Article 68-11, paragraphs (2) and (3), and Articles 68-12 through 68-14 shall apply mutatis mutandis to the certification under the preceding paragraph, the provisions of Articles 68-15 through 68-19 and Article 68-21 shall apply mutatis mutandis to the person certified under that paragraph (hereinafter in this Chapter referred to as "certified overseas specific-type products manufacturer"), and the provisions of Article 68-20 shall apply mutatis mutandis to specific-type products manufactured by a certified overseas specific-type products manufacturer. In these cases, the term "person" in Article 68-19, paragraph (2) shall be replaced with, "certified overseas specific-type products manufacturer" and the phrase "building materials, parts of buildings, or buildings" shall be replaced with "building materials, parts of buildings, or buildings exported to Japan."

(Revocation of Certification)

- Article 68-23 (1) The Minister of Land, Infrastructure, Transport and Tourism must revoke the certification of a certified overseas specific-type products manufacturer when it comes under any of the following items:
- (i) the overseas manufacturer comes under either Article 68-12, item (i) or (iii)

- applied mutatis mutandis in paragraph (2) of the preceding Article;
- (ii) the type-approval concerning the certification has been canceled.
- (2) The Minister of Land, Infrastructure, Transport and Tourism may revoke the certification of a certified overseas specific-type products manufacturer when it comes under any of the following items:
- (i) the overseas manufacturer has violated a provision of Article 68-16, Article 68-18, or Article 68-19, paragraph (2) applied mutatis mutandis in paragraph (2) of the preceding Article;
 - (ii) it is concluded that the manufacturing equipment, inspection equipment, inspection method, quality control method or other technical production conditions necessary for the maintenance of quality of the specific-type products concerning the certification do not conform to technical criteria established by Ministry of Land, Infrastructure, Transport and Tourism Order in Article 68-13, item (ii) applied mutatis mutandis in paragraph (2) of the preceding Article;
 - (iii) the overseas manufacturer was certified by illegal means;
 - (iv) the overseas manufacturer has failed to submit reports or objects under Article 15-2, paragraph (1), or has submitted false reports or false objects;
 - (v) the overseas manufacturer refused, prevented, or evaded inspections or testing under Article 15-2, paragraph (1), or has failed to respond to questions or provide false responses under that paragraph;
 - (vi) the overseas manufacturer does not bear expenses under paragraph (4).
- (3) When The Minister of Land, Infrastructure, Transport and Tourism revokes the certification pursuant to the provisions of the preceding two paragraphs, as specified by Ministry of Land, Infrastructure, Transport and Tourism Order, the Minister must publicly notify to that effect.
- (4) Expenses required for the inspection or testing under Article 15-2, paragraph (1) (limited to those specified by Cabinet Order) shall be borne by the certified overseas specific-type products manufacturer that received the relevant inspection or testing.

(Approval by Designated Approval Body)

Article 68-24 (1) The Minister of Land, Infrastructure, Transport and Tourism may have a person designated in accordance with the provisions referred to in Articles 77-36 through 77-39 to perform all or part of type-approval or certification under Article 68-11, paragraph (1); or Article 68-22, paragraph (1); renewal of certification under Article 68-14, paragraph (1) (including cases where it applies mutatis mutandis in Article 68-22, paragraph (2)); and public notice under Article 68-11, paragraph (3) (including cases where it applies mutatis mutandis in Article 68-22, paragraph (2)) (hereinafter referred to as "approval, etc.").

- (2) When the Minister of Land, Infrastructure, Transport and Tourism designates a person under the preceding paragraph, the Minister shall not perform the approval, etc. performed by the relevant designated person.
- (3) The Minister of Land, Infrastructure, Transport and Tourism may have a person recognized in accordance with the provisions referred to in Article 77-54 to perform all or part of the approval, etc. (limited to those based on an application by the person performing the work overseas).

(Approval of Construction Methods)

- Article 68-25 (1) An applicant for approval of a construction method, etc. (referring to approval of a construction method, building materials or program by the Minister of Land, Infrastructure, Transport and Tourism based on provisions concerning structural criteria or other technical criteria of the building under the preceding three Chapters or orders based thereon; the same applies hereinafter) must apply by submitting a written application containing items specified by Ministry of Land, Infrastructure, Transport and Tourism Order to the Minister, as specified by Ministry of Land, Infrastructure, Transport and Tourism Order.
- (2) The Minister of Land, Infrastructure, Transport and Tourism shall perform an examination to approve construction methods, etc. based on evaluations of the performance of the construction method, building materials or program (hereinafter in this Article referred to simply as "evaluation").
 - (3) The Minister of Land, Infrastructure, Transport and Tourism may have a person designated in accordance with the provisions referred to in Article 77-56 to perform all or part of evaluations necessary for examination to approve construction methods, etc.
 - (4) When the Minister of Land, Infrastructure, Transport and Tourism designates a person under the preceding paragraph, the Minister shall not perform the evaluations performed by the relevant designated person.
 - (5) When a designation under paragraph (3) has been performed by the Minister of Land, Infrastructure, Transport and Tourism, an applicant for approval of a construction method, etc. concerning the relevant designation must apply by submitting a written application specified in paragraph (1) with a written performance evaluation of the construction method, building materials or program prepared by a designated person under paragraph (3) (hereinafter in this Article referred to as "performance evaluation report"), except in the case pursuant to the provision of paragraph (7). In this case, the Minister shall perform an examination to approve the construction method, etc. based on the relevant performance evaluation report.
 - (6) The Minister of Land, Infrastructure, Transport and Tourism may have a person recognized in accordance with the provisions referred to in Article 77-57

to perform all or part of evaluations necessary for examination to approve construction methods, etc. (limited to those based on an application by the person performing the work overseas).

- (7) A person performing the work overseas may apply for approval of a construction method, etc. by submitting a written application specified in paragraph (1) with a performance evaluation report prepared by a recognized person under the preceding paragraph. In this case, the Minister of Land, Infrastructure, Transport and Tourism shall perform an examination to approve the construction method, etc. based on the relevant performance evaluation report.

(Approval of Special Structural Methods)

Article 68-26 A person intending to apply for approval of a special structural method, etc. (approval under Article 38 (including circumstances in which the provisions of Articles 66 and 67-2 apply *mutatis mutandis*), the same applies hereinafter) must submit an application form containing the information specified by Ministry of Land, Infrastructure, Transport and Tourism Order to the Minister of Land, Infrastructure, Transport and Tourism, as specified by Ministry of Land, Infrastructure, Transport and Tourism Order.

Chapter IV Building Agreement

(Purpose of Building Agreement)

Article 69 When a municipality, with respect to a part of its area, deems it necessary for the purpose of promoting the utilization of buildings by effectively maintaining and improving the environment of a residential area or the convenience of a commercial area as well as for the purpose of improving the surrounding area, it may provide by ordinances that landowners and those of which have superficies or leases (in the case of land designated as provisionally replotted pursuant to the provisions of Article 98, paragraph (1) of the Land Readjustment Act (including cases where it is applied *mutatis mutandis* in Article 83 of the Act on Special Measures concerning Promotion of Supply of Houses and Housing Lands in Urban Districts; the same in paragraph (3) of the following Article, Article 74-2, paragraphs (1) and (2); and Article 75-2, paragraphs (1), (2), and (5)), previous landowners and persons with leases to the concerned land; hereinafter collectively referred to as "landowners, etc.") may specify a certain area on the land concerned and make an agreement (hereinafter referred to as a "building agreement") on criteria for the site, location, construction, use, form, design or building equipment of buildings within the area.

(Application for Validation of Building Agreements)

Article 70 (1) Any landowner, etc. intending to make a building agreement under the preceding Article shall prepare a written building agreement stating therein the area of the land subject to the agreement (hereinafter referred to as a "building agreement area"), standards for buildings, effective period of the agreement and measures against breaches of the agreement and must have one's representative submit it to the Designated Administrative Agency to obtain validation therefrom.

(2) In addition to the provisions specified in the preceding paragraph, the landowners, etc. of the building agreement area concerned may specify the desired land in the area specified by ordinances under the preceding Article, which adjoins the building agreement area, to make it a part of the building agreement area as it promotes utilization of the buildings and improves the environment of the land (hereinafter referred to as "land adjoining the building agreement area") in a written building agreement mentioned in the preceding paragraph:

(3) A written building agreement as specified in paragraph (1) must be prepared based on the agreement of all parties of the landowners, etc. Provided, however, that if there is land which is under lease in the land in the building agreement area concerned (in the case of land designated as provisionally replotted land pursuant to the provisions of Article 98, paragraph (1) of the Land Readjustment Act, previous land which corresponds to the land concerned), it is sufficient that the agreement of all parties of the landowners, etc. other than the landowner of the land which is under lease is obtained.

(4) If, if a building agreement is submitted under paragraph (1), the building agreement area concerned is outside a municipality having building officials, it must be submitted through the head of the municipality where the area is located.

(Public Notice of Building Agreements under Application)

Article 71 When a written building agreement has been submitted under paragraph (1) or (4) of the preceding Article, the head of the municipality must give public notice to that effect without delay, and offer it for inspection by the parties concerned for a reasonable period of time, not less than twenty days.

(Public Hearings)

Article 72 (1) The head of a municipality shall, after the expiration of the inspection period mentioned in the preceding Article, hold a public hearing to request the presence of the parties concerned.

(2) The head of a municipality not having building officials must forward the written building relevant agreement, along with the record of the hearing

mentioned under that paragraph, to the prefectural governor, after a hearing held under the preceding paragraph, and without delay. In this case, when the relevant head of a municipality holds opinions with regard to the contents of the relevant written building agreement, the relevant head of a municipality shall attach the relevant opinions.

(Validation of Building Agreements)

Article 73 (1) If a request for validation of a building agreement comes under the following conditions, the Designated Administrative Agency must validate the building agreement concerned:

- (i) it does not improperly restrict the utilization of the land or building that is under the building agreement;
- (ii) it conforms to the purpose of Article 69;
- (iii) in the case of a building agreement that specifies land adjoining the building agreement area, it shall clearly define the boundaries of this area and in addition, shall conform to other criteria specified by Ministry of Land, Infrastructure, Transport and Tourism Order concerning land adjoining the building agreement area.

(2) When the Designated Administrative Agency has rendered the validation under the preceding paragraph, it must give public notice to that effect without delay. In this case, if a building agreement concerns an area outside a municipality having building officials, the prefectural governor must send a copy of the validated building agreement to the head of the municipality where the building agreement area and the land adjoining the building agreement area concerned are located.

(3) The head of the municipality that has validated a building agreement under paragraph (1) or that has received a copy of the validated building agreement under the preceding paragraph must offer the validated building agreement for public inspection by keeping it in the office of the relevant municipality.

(Modification of Building Agreements)

Article 74 (1) When landowners, etc. of land within building agreement areas (excluding those not subject to the building agreement concerned) intend to modify the building agreement area, criteria for buildings, effective periods, measures against breaches, or land adjoining the building agreement area in a building agreement that has been validated under paragraph (1) of the preceding Article, they must establish to that effect and submit an application therefor to the Designated Administrative Agency to obtain validation therefrom.

(2) The provisions of the preceding four Articles shall apply mutatis mutandis to the procedure of validation under the preceding paragraph.

- Article 74-2 (1) If a lease has terminated with respect to the whole or part of land which is located in a building agreement area (in the case of land designated as provisionally replotted land pursuant to the provisions of Article 98, paragraph (1) of the Land Readjustment Act, previous land which corresponds to the land concerned) but is owned by a person or parties that are not subject to the building agreement concerned, the land having been under lease (in the case of previous land corresponding to the land designated as provisionally replotted land pursuant to the provisions of that paragraph, land designated as provisionally replotted land for the land concerned) shall be excluded from the relevant building agreement area.
- (2) If land within a building agreement area that was designated as provisionally replotted land pursuant to the provisions of Article 98, paragraph (1) of the Land Readjustment Act has not been specified as replotted land of previous land corresponding to the land concerned under the replotting plan in Article 86, paragraph (1) of the same Act or the replotting plan in Article 72, paragraph (1) of the Act on Special Measures concerning Promotion of Supply of Houses and Housing Lands in Urban Districts, and further, has not been specified as land given a share of joint ownership to the owner of the previous land corresponding to the land concerned pursuant to the provisions of Article 91, paragraph (3) of the Land Readjustment Act (including cases where it is applied mutatis mutandis in Article 82 of the Act on Special Measures concerning Promotion of Supply of Houses and Housing Lands in Urban Districts), the land concerned shall be excluded from the building agreement area after the day of the public notice in Article 103, paragraph (4) of the Land Readjustment Act (including cases where it is applied mutatis mutandis in Article 83 of the Act on Special Measures concerning Promotion of Supply of Houses and Housing Lands in Urban Districts).
- (3) In the case of the preceding two paragraphs, the person with the lease concerned or the landowner, etc. of the land concerned with the previous land corresponding to the land designated as the provisionally replotted land concerned (excluding those not subject to the relevant building agreement) must notify the Designated Administrative Agency of that fact without delay.
- (4) When the Designated Administrative Agency has been notified under the preceding paragraph, or where it has become aware of the fact that land within the building agreement area has been excluded from the relevant building agreement area pursuant to the provisions of paragraph (1) or (2), it must give public notice to that effect without delay.

(Effect of Building Agreements)

Article 75 A building agreement of which validation has been announced

through a public notice (referred to in the next Article as a "public notice of validation, etc. of the building agreement") under Article 73, paragraph (2) or Article 74, paragraph (2) where Article 73, paragraph (2) applies mutatis mutandis shall be effective even to those who become a landowner, etc. (excluding those who have succeeded to the ownership of the land owned by those who did not give the consent under Article 70, paragraph (3) or Article 74, paragraph (2) where Article 70, paragraph (3) applies mutatis mutandis) of the land within the building agreement area concerned on or after the day of t public notice.

(Procedures of Participating in Building Agreements on or after the Day of Public Notice of Validation of Building Agreement)

- Article 75-2 (1) A landowner within a building agreement area (in the case of land designated as provisionally replotted land pursuant to the provisions of Article 98, paragraph (1) of the Land Readjustment Act, owner of the previous land which corresponds to the relevant land) that is not subject to the building agreement may, at any time on or after the day of public notice of validation, etc. of the building agreement, participate in the building agreement by declaring that landowner's intention in writing to the Designated Administrative Agency.
- (2) The landowner, etc. of land within the land adjoining the building agreement area may participate in the building agreement with the agreement of all the landowners, etc. for the relevant land by declaring of which intention in writing to the Designated Administrative Agency, at any time on or after the day of public notice of validation, etc. of the building agreement. Provided, however, that if there is land which is under lease in the area of the relevant land (in the case of land designated as provisionally replotted land pursuant to the provisions of Article 98, paragraph (1) of the Land Readjustment Act, previous land which corresponds to the relevant land), it is sufficient that the agreement of all parties of the landowners, etc. other than the landowner of the land which is under lease is obtained.
- (3) The area within the land adjoining the building agreement area and declared by the landowners, etc. under the preceding paragraph shall become part of the building agreement area after the declaration.
- (4) The provisions of Article 73, paragraphs (2) and (3) shall apply mutatis mutandis if intention under paragraph (1) or (2) has been declared.
- (5) With respect to that land within a building agreement area as is owned or is leased by a later participant in the building agreement pursuant to the provisions of paragraph (1) or (2) at the time of that person's participation (in the case of land designated as provisionally replotted land pursuant to the provisions of Article 98, paragraph (1) of the Land Readjustment Act, previous

land which corresponds to the land concerned), the building agreement concerned shall be effective even to those who become a landowner, etc. (excluding those who have inherited ownership of land owned by a person who did not agree under paragraph (2) regarding the building agreement concerned and those to whom the provisions referred to in the preceding Article apply) of the relevant land on or after the day of public notice under Article 73, paragraph (2) as applied mutatis mutandis in the preceding paragraph.

(Abolition of Building Agreements)

Article 76 (1) When the landowners, etc. (excluding those to whom the building agreement concerned is not effective) of land within a building agreement area intend to abolish a building agreement that has been validated under Article 73, paragraph (1), they must establish to that effect with the consent of their majority and must submit an application for that abolition to the Designated Administrative Agency to obtain validation therefrom.

(2) When the Designated Administrative Agency has rendered the validation under the preceding paragraph, it must give public notice to that effect without delay.

(Treatment of Co-owners of Land)

Article 76-2 Co-owners or co-lessees of land shall be considered to be one owner or one lessee in applying the provisions referred to in Article 70, paragraph (3) (including cases where this paragraph applies mutatis mutandis in Article 74, paragraph (2)), Article 75-2, paragraphs (1) and (2), and paragraph (1) of the preceding Article.

(Special Rules regarding the Establishment of Building Agreements)

Article 76-3 (1) The owner of land within areas designated by ordinances under Article 69, of which no landowner, etc. exists other than the one landowner may establish a building agreement of which building agreement area is the area of the relevant land.

(2) A person who intend to establish a building agreement under the preceding paragraph must prepare a written building agreement stating therein the building agreement area, standards for buildings, effective period of the agreement, and measures against breaches of the agreement, and submit it to the Designated Administrative Agency, to obtain validation therefrom.

(3) In a written building agreement specified in the preceding paragraph, land adjoining the building agreement area may be specified in addition to the items specified in that paragraph.

(4) The provisions of Article 70, paragraph (4) and Articles (71) through (73) shall apply mutatis mutandis to the procedure for validation under paragraph

(2).

- (5) A building agreement validated under paragraph (2) shall become a building agreement having the same effects as those of a building agreement of which validation has been announced through a public notice under Article 73, paragraph (2) when two or more landowners, etc. have come to exist for land in the building agreement area concerned within three years from the day of validation.
- (6) The provisions of Article 74 and Article 76 shall apply mutatis mutandis to alteration or abolition of any building agreement which, pursuant to the provisions of the preceding paragraph, has become a building agreement having the same effects as those of a building agreement of which validation has been announced through a public notice under Article 73, paragraph (2).

(Status of Lessees of Buildings)

Article 77 If standards for buildings as stated in a building agreement pertain to the rights of lessees of those buildings, the lessees of the relevant buildings shall be considered to be members of the landowners, etc. concerned.

**Chapter IV-2 Designated Qualifying Examination Body for Qualified
Building Regulation Conformity Inspectors
Section 1 Designated Qualifying Examination Body for Qualified
Building Regulation Conformity Inspectors**

(Designation)

Article 77-2 Designation under Article 5-2, paragraph (1) shall be provided to one organization in response to an application by an organization wishing to perform the qualifying examination affairs for qualified building regulation conformity inspectors.

(Disqualification)

Article 77-3 A person coming under any of the following items is not qualified for the designation under Article 5-2, paragraph (1):

- (i) a person other than a general incorporated association or general incorporated foundation;
- (ii) a person who has been sentenced to punishment pursuant to the provisions of building standard laws and regulations, and for whom two years have not yet elapsed since the date on which relevant execution has been completed or has become no longer subject to execution;
- (iii) a person whose designation was revoked pursuant to the provisions of Article 77-15, paragraph (1) or (2), and for whom two years have not yet elapsed since the date of the relevant revocation;

- (iv) a person whose executives include a person that comes under the following
 - (a) or (b);
 - (a) a person coming under item (ii);
 - (b) a person dismissed by order under Article 77-6, paragraph (2), and for whom two years have not yet elapsed since the date of the relevant revocation.

(Designation Criteria)

Article 77-4 The Minister of Land, Infrastructure, Transport and Tourism shall not designate the qualifying examination body unless it is confirmed that an application for designation under Article 5-2, paragraph (1) conforms to the following criteria:

- (i) a plan for the implementation of qualifying examination affairs for qualified building regulation conformity inspectors concerning staff (including examiners for qualified building regulation conformity inspectors in Article 77-7, paragraph (1)), facilities, methods of the implementation and other matters, shall be appropriate for the proper performance of the relevant work;
- (ii) the applicant shall have sufficient funds and technical capabilities for the proper execution of the plans for the qualifying examination affairs for building regulation conformity inspectors in the preceding item;
- (iii) if the applicant performs work other than the qualifying examination affairs for building regulation conformity inspectors) the neutrality and independence of the relevant administrative work shall not be compromised.

(Public Notice of Designation)

Article 77-5 (1) When the Minister of Land, Infrastructure, Transport and Tourism has made a designation under Article 5-2, paragraph (1), the Minister must publicly notify of the name and address of the designated qualifying examination body for qualified building regulation conformity inspectors, the address of the office handling qualifying examination affairs for the qualifying examination for building regulation conformity inspectors will be performed, and the day the affairs starts.

- (2) When the designated qualifying examination body for qualified building regulation conformity inspectors changes its name, address, or the address of the office where the qualifying examination affairs for building regulation conformity inspectors is performed, it must notify the Minister of Land, Infrastructure, Transport and Tourism to that effect at least two weeks prior to the day of the relevant change.
- (3) When the Minister of Land, Infrastructure, Transport and Tourism receives the notification under the preceding paragraph, the Minister must publicly

notify to that effect.

(Appointment and Dismissal of Directors)

Article 77-6 (1) The appointment or dismissal of a director of the designated qualifying examination body for qualified building regulation conformity inspectors shall not take effect without the approval of the Minister of Land, Infrastructure, Transport and Tourism.

(2) The Minister of Land, Infrastructure, Transport and Tourism may order the designated qualifying examination body for qualified building regulation conformity inspectors to dismiss a director if the director violates the regulations for the qualifying examination affairs for building regulation conformity inspectors as approved under Article 77-9, paragraph (1) or acts very inappropriately in connection with the affairs.

(Examiners for Qualified Building Regulation Conformity Inspectors)

Article 77-7 (1) The designated qualifying examination body for qualified building regulation conformity inspectors must have its examiners prepare and score examination papers for qualified building regulation conformity inspectors.

(2) Examiners for qualified building regulation conformity inspectors must be appointed from among people with sufficient knowledge and experience in construction and administration.

(3) When the designated qualifying examination body for qualified building regulation conformity inspectors appoints or dismisses examiners for qualified building regulation conformity inspectors, as specified by Ministry of Land, Infrastructure, Transport and Tourism Order, it must notify the Minister of Land, Infrastructure, Transport and Tourism to that effect.

(4) When an examiner for qualified building regulation conformity inspectors violates the rules of the qualifying examination affairs for building regulation conformity inspectors as approved under Article 77-9, paragraph (1) or acts very inappropriately in connection with the qualifying examination affairs for building regulation conformity inspectors, the Minister of Land, Infrastructure, Transport and Tourism may order the designated qualifying examination body for qualified building regulation conformity inspectors to dismiss the examiner.

(Obligation to Maintain Confidentiality)

Article 77-8 (1) Directors and staff of the designated qualifying examination body for building regulation conformity inspectors (including examiners for qualified building regulation conformity inspectors; the same in paragraph (3)), and any person who was in those positions shall not reveal any confidential information obtained in connection with the qualifying examination affairs for

building regulation conformity inspectors.

- (2) In addition to the provisions specified in the preceding paragraph, the examiners for qualified building regulation conformity inspectors must prepare and score examination papers for qualifying examinations for building regulation conformity inspectors in a fair and strict manner.
- (3) Regarding application of the Penal Code (Act No. 45 of 1907) and other penal codes, the directors and staff of the designated qualifying examination body for qualified for building regulation conformity inspectors performing the qualifying examination affairs for building regulation conformity inspectors shall be considered to be government employees engaged in public services by laws and orders.

(Rules of Qualifying Examination Affairs for the Qualifying Examination for Building Regulation Conformity Inspectors)

- Article 77-9 (1) The designated qualifying examination body for qualified building regulation conformity inspectors shall establish rules of qualifying examination affairs for qualified building regulation conformity inspectors (referred to in this Section as "rules of qualifying examination affairs for qualified building regulation conformity inspectors"), and must obtain the approval of the Minister of Land, Infrastructure, Transport and Tourism. The same shall apply when the relevant regulations are to be revised.
- (2) Items to be established by the rules of qualifying examination affairs for qualified building regulation conformity inspectors shall be specified by Ministry of Land, Infrastructure, Transport and Tourism Order.
 - (3) If the Minister of Land, Infrastructure, Transport and Tourism finds that the rules of qualifying examination affairs for qualified building regulation conformity inspectors approved under paragraph (1) have become no longer appropriate for the impartial and correct performance of the qualifying examination affairs for qualified building regulation conformity inspectors, the Minister may order the revision of the rules of qualifying examination affairs for qualified building regulation conformity inspectors.

(Business Plan)

- Article 77-10 (1) The designated qualifying examination body for qualified building regulation conformity inspectors shall prepare a business plan and a budget for income and expenditure for each business year, and must obtain the approval of the Minister of Land, Infrastructure, Transport and Tourism prior to the beginning of the relevant business year (or immediately after designation for a business year in which the designation takes effect). The same shall apply when the relevant plan or budget is to be revised.
- (2) The designated qualifying examination body for qualified building regulation

conformity inspectors must prepare a business report and a financial report for each business year and submit these reports to the Minister of Land, Infrastructure, Transport and Tourism within three months after the end of the relevant business year.

(Bookkeeping)

Article 77-11 The designated qualifying examination body for qualified building regulation conformity inspectors must prepare and keep a book which records items concerning the qualifying examination affairs for qualified building regulation conformity inspectors specified by Ministry of Land, Infrastructure, Transport and Tourism Order, as specified by Ministry of Land, Infrastructure, Transport and Tourism Order.

(Ministerial Orders)

Article 77-12 If the Minister of Land, Infrastructure, Transport and Tourism finds it necessary to ensure the impartial and correct performance of the qualifying examination affairs for qualified building regulation conformity inspectors, the Minister may issue to designated qualifying examination body for qualified building regulation conformity inspectors an order necessary for supervision of the qualifying examination affairs for qualified building regulation conformity inspectors.

(Reporting and Inspections)

Article 77-13 (1) If the Minister of Land, Infrastructure, Transport and Tourism finds it necessary to ensure the impartial and correct performance of the qualifying examination affairs for qualified building regulation conformity inspectors, the Minister may request required reports for the qualifying examination affairs for qualified building regulation conformity inspectors to the designated qualifying examination body for qualified building regulation conformity inspectors, or to have its officials enter the office of the body to inspect the state of the qualifying examination affairs for qualified building regulation conformity inspectors, or the facilities, the books, documents, and other objects, or to question related persons.

(2) The provisions of Article 15-2, paragraphs (2) and (3) shall apply mutatis mutandis in the preceding paragraph.

(Suspension and Abandonment of Qualifying Examination Affairs for Qualified Building Regulation Conformity Inspectors)

Article 77-14 (1) The designated qualifying examination body for qualified building regulation conformity inspectors shall not suspend or abandon all or part of its the qualifying examination affairs for building regulation conformity

inspectors, without obtaining the prior permission of the Minister of Land, Infrastructure, Transport and Tourism.

- (2) When the Minister of Land, Infrastructure, Transport and Tourism has permitted abandonment of all of the qualifying examination affairs for building regulation conformity inspectors pursuant to the provisions of the preceding paragraph, the designation of the body that obtained the relevant permission shall cease to be effective.
- (3) When the Minister of Land, Infrastructure, Transport and Tourism has given permission under paragraph (1), the Minister must publicly notify to that effect.

(Revocation of Designation)

- Article 77-15 (1) The Minister of Land, Infrastructure, Transport and Tourism must revoke the designation of the designated qualifying examination body for qualified building regulation conformity inspectors when it comes under any of the provisions in Article 77-3, item (i), (ii) or (iv):
- (2) The Minister of Land, Infrastructure, Transport and Tourism may revoke that designation or order the suspension of all or part of the qualifying examination affairs for building regulation conformity inspectors for a specified period of time, when the designation of the designated qualifying examination body falls under any of the following items:
 - (i) the body has violated the provisions of Article 77-5, paragraph (2); Article 77-7, paragraphs (1) through (3); Article 77-10; Article 77-11; or paragraph (1) of the preceding Article;
 - (ii) the body has performed the qualifying examination affairs for building regulation conformity inspectors not in accordance with the rules of qualifying examination affairs for building regulation conformity inspectors as approved under Article 77-9, paragraph (1);
 - (iii) the body has violated orders under Article 77-6, paragraph (2); Article 77-7, paragraph (4); Article 77-9, paragraph (3); or Article 77-12;
 - (iv) it is concluded that the body does not conform to the criteria set forth in each item of Article 77-4;
 - (v) its director or examiner has acted very inappropriately in connection with the qualifying examination affairs for building regulation conformity inspectors;
 - (vi) the body was designated by illegal means.
 - (3) When the Minister of Land, Infrastructure, Transport and Tourism revokes the designation pursuant to the preceding two paragraphs or orders the partial or total suspension of the qualifying examination affairs for building regulation conformity inspectors pursuant to the provisions of the preceding paragraph, the Minister must publicly notify to that effect.

(Performance of Qualifying Examinations for Qualified Building Regulation Conformity Inspectors by the Minister of Land, Infrastructure, Transport and Tourism)

Article 77-16 (1) If the designated qualifying examination body for building regulation conformity inspectors has suspended all or part of its qualifying examination affairs for qualified building regulation conformity inspectors pursuant to the provisions of Article 77-14, paragraph (1), or the Minister of Land, Infrastructure, Transport and Tourism has ordered to suspend the affairs pursuant to the provisions of paragraph (2) of the preceding Article, or if the Minister finds it necessary when the body has difficulty to perform all or part of the affairs because of natural disaster or other uncontrollable factors,, the Minister performs all or part of the affairs irrespective of Article 5-2, paragraph (3).

(2) When the Minister of Land, Infrastructure, Transport and Tourism performs the qualifying examination affairs for building regulation conformity inspectors pursuant to the provisions of the preceding paragraph, or stops performing the qualifying examination affairs for building regulation conformity inspectors pursuant to the provisions of that paragraph, the Minister must publicly notify to that effect in advance.

(3) When the Minister of Land, Infrastructure, Transport and Tourism performs the qualifying examination affairs for building regulation conformity inspectors pursuant to the provisions of paragraph (1), or permits the abandonment of affairs pursuant to the provisions of Article 77-14, paragraph (1), or revokes the designation pursuant to the provisions of paragraph (1) or (2) of the preceding Article, succession of the qualifying examination affairs for building regulation conformity inspectors and other necessary items shall be specified by Ministry of Land, Infrastructure, Transport and Tourism Order.

(Investigation Demands)

Article 77-17 Investigation demands regarding actions or nonfeasance in connection with the qualifying examination affairs for building regulation conformity inspectors performed by the designated qualifying examination body for qualified building regulation conformity inspectors may be made to the Minister of Land, Infrastructure, Transport and Tourism In this case, the Minister of Land, Infrastructure, Transport and Tourism shall deem the designated qualifying examination body for qualified building regulation conformity inspectors to be a higher administrative agency for the purposes of applying the provisions referred to in Article 25, paragraphs (2) and (3); Article 46, paragraphs (1) and (2); Article 47; and Article 49 paragraph (3) of the Administrative Appeal Act (Act No. 68 of 2014).

Section 1-2 Designated Qualifying Examination Body for Building Regulation Conformity Inspectors

Article 77-17-2 (1) Designation under Article 5-5, paragraph (1) shall be granted to one person that wishes to perform the qualifying examination affairs for building regulation conformity inspectors.

(2) The provisions of Article 77-3, Article 77-4, and Article 77-5, paragraph (1) shall apply to designation under Article 5-5, paragraph (1), the provisions of Article 77-5, paragraphs (2) and (3) and Articles 77-6 through 77-16 to the designated qualifying examination body for building regulation conformity inspectors, and the provisions of the preceding Article to the qualifying examination affairs for building regulation conformity inspectors performed by the designated qualifying examination body for building regulation conformity inspectors, mutatis mutandis. In this case, "Article 5-2, paragraph (3)" in Article 77-16, paragraph (1) shall be read as "Article 5-2, paragraph (3) applied mutatis mutandis to Article 5-5, paragraph (2)".

Section 2 Designated Confirmation and Inspection Bodies

(Designation)

Article 77-18 (1) The designation under Article 6-2, paragraph (1) (including cases where it applies mutatis mutandis in Article 87, paragraph (1), Article 87-2, or Article 88, paragraph (1) or (2); the same in this paragraph) or Article 7-2, paragraph (1) (including cases where it applies mutatis mutandis in Article 87-2 or Article 88, paragraph (1) or (2); the same in this paragraph) (hereinafter in this Section referred to simply as "designation") shall be performed in response to an application by those wishing to perform the confirmations under Article 6-2 paragraph (1) or inspections under Article 7-2, paragraph (1) and Article 7-4, paragraph (1) (including cases where it applies mutatis mutandis in Article 87-2, or Article 88, paragraph (1)) (hereinafter in this Section and Article 77-62, paragraph (2) and Chapter VII referred to as "confirmation and inspection"), or approvals under Article 7-6, paragraph (1), item (ii) (including cases in which the provisions of Article 87-4 or Article 88, paragraph (1) or (2) are applied mutatis mutandis).

(2) The application provided for in the preceding paragraph provide the area where the confirmation and inspection work will be performed in accordance with classifications specified by Ministry of Land, Infrastructure, Transport and Tourism Order (hereinafter in this Section referred to as "work area"), as specified by Ministry of Land, Infrastructure, Transport and Tourism Order.

(3) The Minister of Land, Infrastructure, Transport and Tourism or the

prefectural governor must hear the views of the Special Administrative Agency (in the case of the prefectural governor, excluding the relevant prefectural governor) with jurisdiction over the work area in advance, when a designation has been made.

(Disqualification)

Article 77-19 A person coming under any of the following items is not qualified for designation:

- (i) a minor;
- (ii) a person that has been ordered to begin bankruptcy procedures and is unable to be reinstated;
- (iii) a person who has been sentenced to imprisonment or a higher penalty, or sentenced to punishment pursuant to the provisions of building standard laws and regulations, and for whom five years have not yet elapsed since the date on which relevant execution has been completed or has become no longer subject to execution;
- (iv) a person whose designation has been revoked pursuant to the provisions of Article 77-35, paragraph (1) or (2), and for whom five years have not yet elapsed since the date of the revocation;
- (v) a person whose designation under Article 77-35-2, paragraph (1) has been revoked pursuant to the provisions of Article 77-35-19, paragraph (2), and for whom five years have not yet elapsed since the date of the relevant revocation;
- (vi) a person whose registration under Article 77-58, paragraph (1) or Article 77-66, paragraph (1) has been deleted pursuant to the provisions of Article 77-62, paragraph (2) (including the cases where it is applied mutatis mutandis under Article 77-66, paragraph (2)), and for whom five years have not yet elapsed since the date of the relevant deletion;
- (vii) a person coming under Article 7, item (iv) or Article 23-4, paragraph (1), item (iii) of the Act on Architects and Building Engineers;
- (viii) a government employee who has been subject to a disposition of disciplinary dismissal, and for whom three years have not yet elapsed since the date of the relevant disposition;
- (ix) a person who has been specified by Ministry of Land, Infrastructure, Transport and Tourism Order as a person who is incapable of performing the confirmation and inspection work appropriately due to mental or physical incapacitation;
- (x) a corporation of which executives include a person that comes under any of the preceding items;
- (xi) a person whose parent company, etc. (refers to a person specified by Cabinet Order as one in a relationship which permits it to actually control

the management of this person; the same applies hereinafter) comes under any of the preceding items.

(Designation Criteria)

Article 77-20 The Minister of Land, Infrastructure, Transport and Tourism or a prefectural governor shall not designate a confirmation and inspection body unless it is concluded that an application for the designation conforms to the following criteria:

- (i) the number of private building inspectors specified in Article 77-24, paragraph (1) (limited to fulltime staff) shall be equal to or greater than a number specified by Ministry of Land, Infrastructure, Transport and Tourism Order according to the type, scale, and number of the buildings subject to confirmation and inspection work;
- (ii) in addition to the provisions of the preceding item, a plan for the implementation of confirmation and inspection work concerning staff, methods of the implementation, and other matters shall be appropriate for the proper performance of the relevant work;
- (iii) the assessed value of assets of the applicant (in a case where the person is a corporation, capital, endowment, or other amount equivalent to these) shall be equal to or higher than an amount specified by Ministry of Land, Infrastructure, Transport and Tourism Order;
- (iv) in addition to the provisions of the preceding item, the applicant shall have sufficient funds for the proper execution of the plans for the confirmation and inspection work in item (ii);
- (v) the composition of the members of the applicant, in the case of a corporation, the directors, members or staff specified by Ministry of Land, Infrastructure, Transport and Tourism Order according to the type of the corporation, (including private building inspectors under Article 77-24, paragraph (1); the same in this item) in the case of a person other than a corporation, the applicant itself and its staff shall not compromise the neutrality and independence of the confirmation and inspection work;
- (vi) if the applicant or the applicant's parent company, etc., is a designated structural calculation conformity review body under the provisions of Article 77-35-5, paragraph (1), confirmation under Article 6-2, paragraph (1) will not be carried out in respect of plan for the buildings pertaining to applications for the structural calculation reviews under Article 6-3, paragraph (1), which are alternatively applied to the designated structural calculation conformity review body pursuant to the provisions of Article 18-2, paragraph (4);
- (vii) in addition to the provisions of the preceding items, if the applicant or the parent company, etc. of the applicant performs work other than confirmation and inspection work, the neutrality and independence of the confirmation

and inspection work shall not be compromised;
(viii) in addition to the provisions of the preceding items, the applicant shall be fully suitable for performing confirmation and inspection work.

(Public Notice of Designations)

Article 77-21 (1) When the Minister of Land, Infrastructure, Transport and Tourism or a prefectural governor has designated a confirmation and inspection body, the Minister or the governor must publicly notify of the name and address of the designated person (hereinafter referred to as a "designated confirmation and inspection body"), the classification of the designation, work area, and the address of the office performing the confirmation and inspection work.

(2) When a designated confirmation and inspection body changes its name, address, or the address of the office performing confirmation and inspection work, it must notify the Minister of Land, Infrastructure, Transport and Tourism or the prefectural governor by whom it was designated (hereinafter in this Section referred to as "Minister of Land, Infrastructure, Transport and Tourism, etc.") to that effect at least two weeks prior to the day of the relevant change.

(3) When the Minister of Land, Infrastructure, Transport and Tourism, etc. receives the notification under the preceding paragraph, the Minister must publicly notify to that effect.

(Change in Work Area)

Article 77-22 (1) When a designated confirmation and inspection body expands its work area, it must obtain the approval of the Minister of Land, Infrastructure, Transport and Tourism, etc.

(2) When a designated confirmation and inspection body reduces the size of its work area, as specified by Ministry of Land, Infrastructure, Transport and Tourism Order, it must notify the Minister of Land, Infrastructure, Transport and Tourism, etc. to that effect.

(3) The provisions of Article 77-18, paragraph (3) and Article 77-20, items (i) through (iv) shall apply mutatis mutandis to the approval in paragraph (1). In this case, the term "work area" in Article 77-18, paragraph (3) shall be replaced with "work area that is to be expanded."

(4) If the Minister of Land, Infrastructure, Transport and Tourism, etc. gives any approval of paragraph (1), or a notification has been made under paragraph (2), the Minister must publicly notify to that effect.

(Renewal of Designation)

Article 77-23 (1) If a designation is not renewed at an interval from five to ten

years specified by Cabinet Order, it shall cease to be effective.

- (2) The provisions of Articles 77-18 through 77-20 shall apply *mutatis mutandis* to the renewal of designation specified in the preceding paragraph.

(Private Building Inspectors)

Article 77-24 (1) A designated confirmation and inspection body must have its private building inspectors perform confirmation and inspection work in accordance with a method specified by Ministry of Land, Infrastructure, Transport and Tourism Order.

- (2) Private building inspectors must be appointed from among people registered under Article 77-58, paragraph (1).

(3) When a designated confirmation and inspection body appoint or dismisses a building inspector, as specified by Ministry of Land, Infrastructure, Transport and Tourism Order, it must notify the Minister of Land, Infrastructure, Transport and Tourism, etc. of the appointment or dismissal of a private building inspector,

- (4) When the designated confirmation and inspection body the designated confirmation and inspection body does not conform to the criteria set forth in Article 77-20, item (v) because of the relevant inspector, the Minister of Land, Infrastructure, Transport and Tourism, etc. may order the body to dismiss a private building inspector.

(Obligation to Maintain Confidentiality)

Article 77-25 (1) A designated confirmation and inspection body (in the case of a corporation, directors; the same in the next paragraph), its staff (including private building inspectors; the same in the next paragraph) and any person who was in those positions shall not reveal any confidential information related to confirmation and inspection work, nor shall appropriate this confidential information.

- (2) Regarding the application of the Penal Code and other penal codes, a designated confirmation and inspection body and its staff performing confirmation and inspection work shall be considered to be government employees engaged in public services by laws and orders.

(Responsibility for Confirmation and Inspection)

Article 77-26 A designated confirmation and inspection body must immediately perform confirmation and inspection work upon request, excluding cases where there are justifiable grounds not to do so.

(Regulations for Confirmation and Inspection Work)

Article 77-27 (1) A designated confirmation and inspection body shall establish

regulations concerning the performance of confirmation and inspection work (referred to in this Section as "regulations for confirmation and inspection work"), and must obtain the approval of the Minister of Land, Infrastructure, Transport and Tourism, etc. The same shall apply when the relevant regulations are to be revised.

- (2) Items that shall be established by the regulations for confirmation and inspection work shall be specified by Ministry of Land, Infrastructure, Transport and Tourism Order.
- (3) If the Minister of Land, Infrastructure, Transport and Tourism, etc. finds that the rules of confirmation and inspection work approved under paragraph (1) have become no longer appropriate for the impartial and correct performance of confirmation and inspection, the Minister may order the revision of the rules of confirmation and inspection work.

(Posting of the Designation Classification)

Article 77-28 A designated confirmation and inspection body must post its designation classification, work area, and other items specified by Ministry of Land, Infrastructure, Transport and Tourism Order at its offices so that it can be easily seen by the public, as specified by Ministry of Land, Infrastructure, Transport and Tourism Order.

(Bookkeeping)

Article 77-29 (1) A designated confirmation and inspection body must prepare and keep a book which records items concerning the confirmation and inspection work specified by Ministry of Land, Infrastructure, Transport and Tourism Order as specified by Ministry of Land, Infrastructure, Transport and Tourism Order.

- (2) In addition to the provisions of the preceding paragraph, a designated confirmation and inspection body must maintain documents concerning its confirmation and inspection work specified by Ministry of Land, Infrastructure, Transport and Tourism Order, as specified by Ministry of Land, Infrastructure, Transport and Tourism Order.

(Perusal of Documents)

Article 77-29-2 A designated confirmation and inspection body shall place the following documents at the office performing the confirmation and inspection work and must respond to a request by a person that intends to obtain confirmation under Article 6-2, paragraph (1) or other concerned person by allowing the relevant person to peruse the relevant documents.

- (i) documents listing past work of the relevant designated confirmation and inspection body;

- (ii) documents listing the names and personal histories of the private building inspectors;
- (iii) in a case where an insurance contract has been entered into or other measure has been taken to bear the cost required to pay compensation for loss caused by confirmation and inspection work, documents containing detailed information regarding this matter;
- (iv) other documents concerning the work and finances of the relevant designated confirmation and inspection body as specified by Ministry of Land, Infrastructure, Transport and Tourism Order.

(Ministerial Orders)

- Article 77-30 (1) If the Minister of Land, Infrastructure, Transport and Tourism, etc. finds it necessary to ensure the impartial and correct performance of confirmation and inspection work, the Minister may issue to designated confirmation and inspection body pertaining to the designation an order necessary for supervision of the confirmation and inspection work.
- (2) When the Minister of Land, Infrastructure, Transport and Tourism, etc. has issued an order under the preceding paragraph, as specified by Ministry of Land, Infrastructure, Transport and Tourism Order, the Minister, etc. must publicly notify to that effect.

(Reporting, Inspections)

- Article 77-31 (1) If the Minister of Land, Infrastructure, Transport and Tourism finds it necessary to ensure the impartial and correct performance of the confirmation and inspection work, the Minister may request required reports for the confirmation and inspection work to the designated confirmation and inspection body pertaining to the designation, or to have its officials enter the office of the body to inspect the state of the confirmation and inspection work, or the facilities, the books, documents, and other objects, or to question related persons.
- (2) If the Designated Administrative Agency finds it necessary in order to ensure the proper implementation of the confirmation and inspection of buildings for which a building official under the supervision of the relevant Designated Administrative Agency has the authority to confirm under Article 6, paragraph (1), it may have its officials enter the office of the body to inspect the state of the confirmation and inspection work, or the facilities, the books, documents, and other objects, or to question related persons.
- (3) If the Designated Administrative Agency finds that there is a fact that as a result of an on-site inspection under the preceding paragraph, the relevant designated confirmation and inspection body performs actions that violate the regulations for confirmation and inspection work or has performed a

conspicuously improper action concerning the confirmation and inspection work, as specified by Ministry of Land, Infrastructure, Transport and Tourism Order, it must submit a report to this effect to the Minister of Land, Infrastructure, Transport and Tourism, etc. to that effect.

- (4) When the Minister of Land, Infrastructure, Transport and Tourism receives a report under the preceding paragraph, the Minister, as necessary, issues an order to suspend the all or part of confirmation and inspection work under Article 77-35, paragraph (2), or takes other actions.
- (5) The provisions of Article 15-2, paragraphs (2) and (3) shall apply mutatis mutandis in the case in paragraphs (1) and (2).

(Inquiries and Instructions)

Article 77-32 (1) A designated confirmation and inspection body may inquire of a Designated Administrative Agency about items necessary for the proper performance of confirmation and inspection work. In this case, the relevant Designated Administrative Agency shall provide a notice concerning the relevant inquiry to the relevant body and take other necessary measures.

- (2) If the Designated Administrative Agency finds it necessary in order to ensure the proper implementation of the confirmation and inspection of a building as specified by paragraph (2) of the preceding Article, the Designated Administrative Agency may instruct a designated confirmation and inspection body to take measures necessary for the proper performance of the relevant confirmation and inspection.

(Assistance for Designated Confirmation and Inspection Bodies)

Article 77-33 The Minister of Land, Infrastructure, Transport and Tourism and local governments shall provide a designated confirmation and inspection body with information and other assistance necessary for the proper performance of confirmation and inspection work.

(Suspension and Abandonment of Confirmation and Inspection Work)

Article 77-34 (1) When a designated confirmation and inspection body intends to suspend or abandon all or part of its confirmation and inspection work, as specified by Ministry of Land, Infrastructure, Transport and Tourism Order, it must notify the Minister of Land, Infrastructure, Transport and Tourism, etc. to that effect in advance.

- (2) When a notice of abandonment of all of the confirmation and inspection work pursuant to the provisions of the preceding paragraph is submitted, the designation concerning the relevant notice shall cease to be effective.
- (3) When the Minister of Land, Infrastructure, Transport and Tourism, etc. receives the notification under paragraph (1), the Minister must publicly notify.

(Revocation of Designation)

- Article 77-35 (1) The Minister of Land, Infrastructure, Transport and Tourism, etc. must revoke the designation of a confirmation and inspection body when the relevant body comes under any one of the items in Article 77-19 (excluding item (iv)).
- (2) The Minister of Land, Infrastructure, Transport and Tourism, etc. may revoke that designation or order the suspension of all or part of the confirmation and inspection work for a specified period of time, when a designated confirmation and inspection body pertaining to that designation falls under any of the following items:
- (i) the body has violated the provisions of Article 6-2, Paragraph (4) or (5) (including cases where these provisions apply mutatis mutandis to Article 87, paragraph (1); Article 87-4; or Article 88, paragraph (1) or (2); Article 7-2, paragraphs (3) through (6) (including cases where these provisions apply mutatis mutandis to 87-4, or Article 88, paragraph (1) or (2), Article 7-6, paragraph (3) (including cases where these provisions apply mutatis mutandis to Article 87-2; or Article 88, paragraph (1) or (2); Article 18-3, paragraph (3); Article 77-21, paragraph (2); Article 77-22, paragraph (1) or (2); Article 77-24, paragraphs (1) through (3); Article 77-26; Articles 77-28 through 77-29-2, or paragraph (1) of the preceding Article;
 - (ii) the body has performed confirmation and inspection works not in accordance with the regulations for confirmation and inspection work approved under Article 77-27, paragraph (1);
 - (iii) the body has violated orders under Article 77-24, paragraph (4), Article 77-27, paragraph (3), or Article 77-30, paragraph (1);
 - (iv) it is concluded that the body does not conform to the criteria set forth in each item of Article 77-20;
 - (v) the body, its private building inspector, or director in the case of a corporation, has acted very inappropriately in connection with the confirmation and inspection work;
 - (vi) the body was designated by illegal means.
- (3) When the Minister of Land, Infrastructure, Transport and Tourism, etc. revokes the designation pursuant to the provisions of the preceding two paragraphs, or the suspends all or part of its confirmation and inspection work pursuant to the provisions of the preceding paragraph, the Minister must publicly notify to that effect.

Section 3 Designated Structural Calculation Conformity Review Body

(Designation)

Article 77-35-2 (1) A designation under Article 18-2, paragraph (1) (hereinafter in this Section referred to simply as "designation") shall be given based on an application by a person who intends to perform structural calculation conformity review work.

(2) An application as referred to in the preceding paragraph must indicate the area in which structural calculation conformity review work will be carried out (hereinafter referred to in this section as the "work area") under Ministry of Land, Infrastructure, Transport and Tourism Order

(3) The Minister of Land, Infrastructure, Transport and Tourism must seek the opinion of the prefectural governor with jurisdiction over the work area before making a designation.

(Disqualification)

Article 77-35-3 A person coming under any of the following items shall not be able to obtain designation.

(i) a minor;

(ii) a person that has been ordered to begin bankruptcy procedures and is unable to be reinstated;

(iii) a person who has been sentenced to imprisonment or a higher penalty, or sentenced to punishment pursuant to the provisions of standard laws and regulations, and for whom five years have not yet elapsed since the date on which relevant execution has been completed or has become no longer subject to execution;

(iv) a person whose designation under Article 77-18, paragraph (1) has been revoked pursuant to the provisions of Article 77-35, paragraph (2), and for whom five years have not yet elapsed since the date of the relevant revocation;

(v) a person whose designation has been revoked pursuant to the provisions of Article 77-35-19, paragraph (1) or (2), and for whom five years have not yet elapsed since the date of the relevant revocation;

(vi) a person whose registration under Article 77-58, paragraph (1) or Article 77-66, paragraph (1) has been deleted pursuant to the provisions of Article 77-62, paragraph (2) (including the cases where it is applied mutatis mutandis under Article 77-66, Paragraph (2)) and for whom five years have not yet elapsed since the date of the relevant deletion.

(vii) a person coming under Article 7, item (iv) or Article 23-4, paragraph (1), item (iii) of the Act on Architects and Building Engineers;

(viii) a government employee that has been subject to a disposition of disciplinary dismissal, and for whom three years have not yet elapsed since the date of the relevant disposition;

(ix) a person who has been specified by Ministry of Land, Infrastructure,

Transport and Tourism Order as a person who is incapable of performing the structural calculation conformity review work appropriately due to mental or physical incapacitation;

- (x) a corporation of which executives include a person that comes under any of the preceding items;
- (xi) a person whose parent company, etc. comes under any of the preceding items.

(Designation Criteria)

Article 77-35-4 The Minister of Land, Infrastructure, Transport and Tourism or the prefectural governor shall not give a designation if it cannot be confirmed that the applicant for designation satisfies the following criteria:

- (i) the number of structural calculation conformity reviewers (limited to staff) Article 77-35-9, paragraph (1) must be equal to or greater than the number specified by Ministry of Land, Infrastructure, Transport and Tourism Order according to the size and number of buildings;
- (ii) in addition to the provisions of the preceding item, a plan for the implementation of structural calculation conformity review work concerning staff, equipment, method of the implementation, and other matters shall be appropriate for the proper performance of the relevant work;
- (iii) the assessed value of the of the applicant's assets (if the applicant is a corporation, the capital, endowment, or other assets thereof) must be equal to or greater than the amount specified by Ministry of Land, Infrastructure, Transport and Tourism Order;
- (iv) in addition to the provisions of the preceding item, the applicant shall have accounting foundations sufficient to properly execute the plan for the performance of the structural calculation conformity review work in item (ii);
- (v) in the case of an applicant that is a corporation, there shall be no possibility that its executives, its members and the composition of its employees (including the number of structural calculation conformity reviewers in Article 77-35-9, paragraph (1), the same in the following items) specified by Ministry of Land, Infrastructure, Transport and Tourism Order under Article 77-20, item (v), and in the case of an applicant other than a corporation, the applicant and the composition of its employees, will obstruct the impartial performance of the structural calculation conformity review work;
- (vi) in a case where the applicant or the applicant's parent company, etc. is a designated confirmation and inspection body, the relevant body shall not perform structural calculation conformity review relating to plan for the buildings covered by applications to the relevant designated confirmation and inspection body under Article 6-2, paragraph (1), to which the provisions of Article 6-3, paragraph (1) are applied alternatively pursuant to the

- provisions of Article 18-2, paragraph (4);
- (vii) in addition to the provisions of the preceding item, in a case where the applicant or the applicant's parent company, etc. perform work other than structural calculation conformity review, there shall be no possibility of the performance of this work obstructing the impartial performance of the structural calculation conformity review work;
- (viii) in addition to the stipulations of the preceding items, the applicant shall be fully suitable for performing structural calculation conformity review work.

(Public Notice of Designations)

- Article 77-35-5 (1) When the Minister of Land Infrastructure, Transport and Tourism or the prefectural governor has made a designation, the prefectural governor must publicly notify of the name and address of the applicant that has received the designation (hereinafter in this Section and in Article 100 referred to as "designated structural calculation conformity review body"), and the address of the office where the designated structural calculation conformity review body performs the structural calculation conformity review work, and the date that the designated structural calculation conformity review body begins to perform the structural calculation conformity review work.
- (2) When the designated structural calculation conformity review body intends to change its name or address, or the address of the office where it performs the structural calculation conformity review work, the designated structural calculation conformity review body must notify the Minister of Land, Infrastructure, Transport and Tourism or the prefectural governor (referred to in the remainder of this section as "the Minister of Land, Infrastructure, Transport and Tourism, etc.") who made the designation to that effect at least two weeks prior to the day of the relevant change.
- (3) When the Minister of Land, Infrastructure, Transport and Tourism, etc., receives the notification under the preceding paragraph, the Minister must publicly notify to that effect.

(Change of Work Area)

- Article 77-35-6 (1) If the designated structural calculation conformity review body wishes to increase or reduce its work area, it must obtain the approval of the Minister of Land, Infrastructure, Transport and Tourism, etc.
- (2) If the designated structural calculation conformity review body wishes to reduce its work area, the Minister of Land, Infrastructure, Transport and Tourism must not give approval if there is a risk that the relevant work area reduction may jeopardize the appropriate and reliable implementation of structural calculation conformity review work.

- (3) The provisions of Articles 77-35-2, paragraph (3) and Article 77-35-4, items (i) through (iv) shall apply mutatis mutandis to approvals under the provisions of paragraph (1). In this case, "the work area" in Article 77-35-2, paragraph (3) shall be read as "the work area to be increased or decreased".
- (4) If the Minister of Land, Infrastructure, Transport and Tourism give any approval of paragraph (1), the Minister must publicly notify to that effect.

(Renewal of Designation)

- Article 77-35-7 (1) A designation shall, if it is not renewed at the end of a period between five years and ten years specified by Cabinet Order, become invalid after the relevant period has elapsed.
- (2) The provisions of Articles 77-35-2 through 35-4 shall apply mutatis mutandis in the case of the renewal of designation under the preceding paragraph.

(Public Notice of Assignment of Authority)

- Article 77-35-8 (1) A prefectural governor that decides to enable a designated structural calculation conformity review body to perform structural calculation conformity review work pursuant to the provisions of Article 18-2, paragraph (1) (hereinafter referred to as "the delegating prefectural governor") must publicly notify of the name and address of the designated structural calculation conformity review body, the work area, and address of the office where the structural calculation conformity review work will be performed, the type of structural calculation conformity review work that the designated structural calculation conformity review body will be allowed to perform, and the date on which the relevant structural calculation conformity review work will commence.
- (2) A designated structural calculation conformity review body pertaining to a designation by the Minister of Land, Infrastructure, Transport and Tourism must notify the delegating prefectural governor, when intending to change its name or address, and notify the delegating prefectural governor, when intending to change the address of the office where it performs designated structural calculation conformity review work, to that effect at least two weeks prior to the day of the relevant change.
- (3) When a designated structural calculation conformity review body pertaining to a designation by the Minister of Land, Infrastructure, Transport and Tourism intends to change the address of the office where it performs designated structural calculation conformity review work, it must notify the delegating prefectural governor to that effect at least two weeks prior to the day of the relevant change.
- (4) When the delegating prefectural governor receives a notification under the preceding two paragraphs, the governor must publicly notify to that effect.

(Structural Calculation conformity Reviewer)

- Article 77-35-9 (1) When a designated structural calculation conformity review body performs structural calculation conformity reviews, the designated structural calculation conformity review body must have structural calculation conformity review perform the structural calculation.
- (2) Structural calculation conformity reviewers must be appointed from among people who are registered under the provisions of Article 77-66, paragraph (1).
- (3) When a designated structural calculation conformity review body appoints or dismisses a structural calculation conformity reviewer, the designated structural calculation conformity review body must notify the Minister of Land, Infrastructure, Transport and Tourism, etc., to that effect, as specified by Ministry of Land, Infrastructure, Transport and Tourism Order.
- (4) When a serving structural calculation conformity reviewer has contravened the structural calculation conformity review work regulations approved under Article 77-35-9, paragraph (1), has performed a conspicuously improper action related to the structural calculation conformity review work, or when the designated structural calculation conformity review body no longer satisfies the criteria set forth in Article 77-35-4, item (v) as a result of the continued appointment of the structural calculation conformity reviewer, the Minister of Land, Infrastructure, Transport and Tourism, etc., may issue an order to the designated structural calculation conformity review body to dismiss relevant structural calculation conformity reviewer.

(Obligation to Maintain Confidentiality)

- Article 77-35-10 (1) A designated structural calculation conformity review body (when this body is a corporation, its executives; the same in the following paragraph) and its employees (including structural calculation conformity reviewers; the same in the following paragraph), and people who are these parties shall not reveal any confidential information it has obtained concerning the structural calculation conformity review work, nor appropriate this confidential information.
- (2) A designated structural calculation conformity review body and its employees that perform structural calculation conformity review work shall be considered to be employees that perform official public work concerning the application of the Penal Code and other penalties as specified by laws.

(Obligation to Perform Structural Calculation Conformity Reviews)

- Article 77-35-11 If a designated structural calculation conformity review body is asked to perform a structural calculation conformity review, it must perform the relevant structural calculation conformity review without delay unless

there are justifiable grounds that prevent it from doing so.

(Regulations for Structural Calculation Conformity Review Work)

Article 77-35-12 (1) A designated structural calculation conformity review body shall enact and must obtain the approval of the Minister of Land, Infrastructure, Transport and Tourism, etc., for regulations concerning the structural calculation conformity review work (hereinafter in this section, referred to as, "regulations for structural calculation conformity review work"). When this is revised, the same shall apply.

- (2) Items that must be specified by the regulations for structural calculation conformity review work shall be specified by Ministry of Land, Infrastructure, Transport and Tourism Order.
- (3) If the Minister of Land, Infrastructure, Transport and Tourism, etc. finds that the rules of structural calculation conformity review work approved under paragraph (1) have become no longer appropriate for the impartial and correct performance of structural calculation conformity review, the Minister may order the revision of the rules of structural calculation conformity review work.

(Posting of Work Area)

Article 77-35-13 The designated structural calculation conformity review body must post its work area and other information as specified by Ministry of Land, Infrastructure, Transport and Tourism Order in its office in a position that is readily accessible to the public, as specified by Ministry of Land, Infrastructure, Transport and Tourism Order.

(Bookkeeping)

Article 77-35-14 (1) A designated structural calculation conformity review body must prepare and keep a book which records items concerning the structural calculation conformity review work specified by Ministry of Land, Infrastructure, Transport and Tourism Order.

- (2) In addition to the provisions of the preceding paragraph, a designated structural calculation conformity review body must retain documents concerning the structural calculation conformity review work that are specified by Ministry of Land, Infrastructure, Transport and Tourism Order as specified by Ministry of Land, Infrastructure, Transport and Tourism Order.

(Provision of Documents for Perusal)

Article 77-35-15 A designated structural calculation conformity review body must place the following documents, as specified by Ministry of Land, Infrastructure, Transport and Tourism Order, in the office where designated structural calculation conformity review work is performed and make those

documents available by perusal by those seeking designated structural calculation conformity reviews and other concerned parties.

- (i) documents recording work performed by the relevant designated structural calculation conformity review body;
- (ii) documents listing the names and brief personal histories of designated structural calculation conformity reviewer;
- (iii) documents detailing the conclusion of insurance agreements and other measures, if any, to guarantee the funds required to provide compensation for losses suffered in relation to designated structural calculation conformity review work;
- (iv) other documents pertaining to the work and financial position of the designated structural calculation conformity review body, as specified by Ministry of Land, Infrastructure, Transport and Tourism Order.

(Ministerial Orders)

Article 77-35-16 (1) If the Minister of Land, Infrastructure, Transport and Tourism, etc. finds it necessary to ensure the impartial and correct performance of structural calculation conformity review work, the Minister may issue to designated structural calculation conformity review body pertaining to the designation an order necessary for supervision of the structural calculation conformity review work.

(2) Having issued an order under the preceding paragraph, the Minister of Land, Infrastructure, Transport and Tourism, etc., must publicly notify to that effect as specified Ministry of Land, Infrastructure, Transport and Tourism Order.

(Reporting, Inspections)

Article 77-35-17 (1) If the Minister of Land, Infrastructure, Transport and Tourism, etc. or the delegating prefectural governor finds it necessary to ensure the impartial and correct performance of the structural calculation conformity review work, the Minister, etc. or the governor may request required reports for the Structural calculation conformity review work to the designated structural calculation conformity review body pertaining to the designation in case of the Minister, etc. and to the designated structural calculation conformity review body that has been assigned to perform the structural calculation conformity review in case of the governor, or to have its officials enter the office of the body to inspect the state of the structural calculation conformity review work, or the facilities, the books, documents, and other objects, or to question related persons. When the Minister of Land, Infrastructure, Transport and Tourism, etc., or the delegating prefectural governor deems it necessary to do so in order to ensure the impartial and proper performance of structural calculation conformity review work, the

required reports concerning structural calculation conformity review work may be sought from the designated structural calculation conformity review body covered by the designation in the case of Minister of Land, Infrastructure, Transport and Tourism, etc., or from the designated structural calculation conformity review body that was allowed to perform structural calculation conformity review work in the case of the delegating prefectural governor, or staff may be directed to enter the offices of the designated structural calculation conformity review body to examine the state of structural calculation conformity review work, equipment, ledgers, documents, and other objects, or to question related persons.

- (2) If the delegating prefectural governor finds that there is a fact that as a result of an on-site inspection under the preceding paragraph, the relevant structural calculation conformity review body (limited to those designated by the Minister of Land, Infrastructure, Transport and Tourism) performs actions that violate the regulations for structural calculation conformity review work or has performed a conspicuously improper action concerning the structural calculation conformity review work, the Designated Administrative Agency must submit a report to this effect to the Minister of Land, Infrastructure, Transport and Tourism, etc. as specified by Ministry of Land, Infrastructure, Transport and Tourism Order.
- (3) When the Minister of Land, Infrastructure, Transport and Tourism receives a report under the preceding paragraph, the Minister, as necessary, issues an order to suspend the all or part of structural calculation conformity review work under the provisions of Article 77-35-19, paragraph (2), or takes other actions.
- (4) The provisions of Article 15-2, paragraphs (2) and (3) shall apply mutatis mutandis in the circumstances defined in paragraph (1).

(Suspension and Abandonment of Structural Calculation Conformity Review Work)

Article 77-35-18 (1) When a designated structural calculation conformity review body does not obtain approval of the Minister of Land, Infrastructure, Transport and Tourism, etc., the designated structural calculation conformity review body shall not suspend or abandon all or part of the structural calculation conformity review work.

- (2) If the Minister of Land, Infrastructure, Transport and Tourism deems that there is no risk that the suspension of all or part of the structural calculation conformity review work by the designated structural calculation conformity review body may hinder the appropriate and reliable implementation of structural calculation conformity review work, approval as defined in the preceding paragraph must not be given.

- (3) When providing approval as defined in paragraph (1), the Minister of Land, Infrastructure, Transport and Tourism must seek the opinions of the delegating prefectural governor concerned.
- (4) When the Minister of Land, Infrastructure, Transport and Tourism, etc., has approved the abandonment of all or part of the structural calculation conformity review work pursuant to the provisions of paragraph (1), the designation under the relevant approval must cease to be effective.
- (5) When the Minister of Land, Infrastructure, Transport and Tourism has given permission under paragraph (1), the Minister must publicly notify to that effect.

(Revocation of Designation)

Article 77-35-19 (1) When a designated structural calculation conformity review body comes under any one of the items in Article 77-35-3 (excluding item (v)), the Minister of Land, Infrastructure, Transport and Tourism must revoke its designation.

- (2) When a designated structural calculation conformity review body covered by a designation comes under any of the following items, the Minister of Land, Infrastructure, Transport and Tourism, etc. may revoke its designation or set a time period and order that all or part of the structural calculation conformity review work be stopped.
 - (i) it has violated the provisions of Article 6-3, paragraphs (4) through (6), which is applied alternatively pursuant to the provisions of Article 18-2, paragraph (4); or the provisions of Article 18, paragraphs (7) through (9); or Article 18-3, paragraph (3); Article 77-35-5, paragraph (2); Article 77-35-6, paragraph (1); Article 77-35-8, paragraph (2) or (3); Article 77-35-9, paragraphs (1) through (3); Article 77-35-11; Articles 77-35-13 through 77-35-15, or paragraph (1) of the preceding Article;
 - (ii) it has performed a structural calculation conformity review without complying with the regulations for structural calculation conformity review work approved under Article 77-35-12, paragraph (1);
 - (iii) it has disobeyed an order under Article 77-35-9, paragraph (4), Article 77-35-12, paragraph (3) or Article 77-35-16.
 - (iv) It has been confirmed that it does not conform to the criteria set forth in the items of Article 77-35-4;
 - (v) it has performed a remarkably improper action concerning the structural calculation conformity review work, or a structural calculation conformity reviewer or its executive that performs the relevant work in the case of a corporation has performed a remarkably improper action concerning the structural calculation conformity review work;
 - (vi) a designation has been obtained by an improper method.

(3) When the Minister of Land, Infrastructure, Transport and Tourism, etc., has revoked a designation pursuant to the provisions of the preceding two paragraphs or when the prefectural governor has ordered that all or part of the structural calculation conformity review work be stopped pursuant to the provisions of the preceding paragraph, the Minister of Land, Infrastructure, Transport and Tourism must publicly notify to that effect and notify the prefectural governor concerned.

(Revocation of Assignment of Authority to Perform Structural Calculation Conformity Reviews)

Article 77-35-20 (1) If the delegating prefectural governor intends no longer to allow the designated structural calculation conformity review body to perform all or part of the structural calculation conformity review work, the delegating prefectural governor must notify the designated structural calculation conformity review body to that effect no later than six months in advance.

(2) When a delegating prefectural governor intends no longer to allow the designated structural calculation conformity review body to perform all or part of the structural calculation conformity review work, the governor must publicly notify to that effect.

(Performance of Structural Calculation Conformity Review by a Delegating Prefectural Governor)

Article 77-35-21 (1) When a designated structural calculation conformity review body comes under any of the following items, the delegating prefectural governor shall, notwithstanding the provisions of Article 18-2, paragraph (3), perform the structural calculation conformity review work that became difficult to perform by the relevant designated structural calculation conformity review body be suspended or abolished, and that is also difficult for another designated structural calculation conformity review body to perform.

(i) when all or part of the structural calculation conformity review work has been suspended pursuant to the provisions of Article 77-35-18, paragraph (1);

(ii) when an order to stop all or part of structural calculation conformity review work has been issued pursuant to the provisions of Article 77-35-19, paragraph (2) and paragraph (2) of the preceding Article;

(iii) when the delegating prefectural governor deems it necessary to do so in a case where it is difficult to perform all or part of the structural calculation conformity review work because of a natural disaster or other reason.

(2) When the delegating prefectural governor performs structural calculation conformity review work pursuant to the provisions of the preceding paragraph or does not intend to perform the structural calculation conformity review work performed pursuant to the provisions of the preceding paragraph, the governor

must publicly notify to that effect in advance.

- (3) If the delegating prefectural governor, intending to perform structural calculation conformity review work pursuant to the provisions of paragraph (1), authorizes the cessation of structural calculation conformity review work under the provisions of Article 77-35-18, paragraph (1), or revokes the designation pursuant to the provisions of Article 77-35-19, paragraph (1) or 2, or if the Minister of Land, Infrastructure, Transport and Tourism has given approval for the reduction of the work area pursuant to the provisions of Article 77-35-6, paragraph (1), the succession to structural calculation conformity review work and other necessary items shall be as specified by a Ministry of Land, Infrastructure, Transport and Tourism Order.

Section 4 Designated Approval Body

(Designation)

Article 77-36 (1) The designation under Article 68-24, paragraph (1) (including cases where it applies mutatis mutandis in Article 88, paragraph (1)) (hereinafter in this Section referred to simply as "designation") shall be performed in response to an application by those wishing to perform approval, etc. (excluding the person performing the work at an overseas office).

- (2) The application in the preceding paragraph must stipulate the area where the approval, etc. will be performed in accordance with classification specified by Ministry of Land, Infrastructure, Transport and Tourism Order (hereinafter in this Section referred to as "work area"), as specified by Ministry of Land, Infrastructure, Transport and Tourism Order.

(Disqualification)

Article 77-37 A person coming under any of the following items is not qualified for designation:

- (i) a Minor;
- (ii) a person that has been ordered to begin bankruptcy procedures and is unable to be reinstated;
- (iii) a person who has been sentenced to imprisonment or a higher penalty, or sentenced to punishment pursuant to the provisions of building standard laws and regulations, and for whom two years have not yet elapsed since the date on which relevant execution has been completed or has become no longer subject to execution;
- (iv) a person whose designation has been revoked pursuant to the provisions of Article 77-51, paragraph (1) or (2), or whose recognition was revoked pursuant to the provisions of Article 77-55, paragraph (1) or (2), and for whom two years have not yet elapsed since the date of the relevant

- revocation;
- (v) a person who has been specified by Ministry of Land, Infrastructure, Transport and Tourism Order as a person who is incapable of performing the approval, etc. work appropriately due to mental or physical incapacitation;
 - (vi) a corporation of which executives include a person that comes under any of the preceding items.

(Designation Criteria)

Article 77-38 The Minister of Land, Infrastructure, Transport and Tourism shall not designate an approval body unless it is concluded that an application for the designation conforms to the following criteria:

- (i) a plan for the implementation of approval, etc. work concerning staff (including approvers in Article 77-42, paragraph (1); the same in item (3)), facilities, methods of the implementation and other matters shall be appropriate for the proper performance of the relevant work;
- (ii) the applicant shall have sufficient funds and technical capabilities for the proper execution of the plans for the approval work, etc.;
- (iii) the composition of the members of the applicant, in the case of a corporation, the directors, members or staff specified by Ministry of Land, Infrastructure, Transport and Tourism Order under Article 77-20, item (v); in the case of a person other than a corporation, the applicant itself and staff shall not compromise the neutrality and independence of the approval work, etc.;
- (iv) if the applicant performs work other than approval work, etc. the neutrality and independence of the relevant approval work shall not be compromised;
- (v) in addition to the provisions of the preceding items, the applicant shall be sufficiently qualified to perform the approval work, etc.

(Public Notice of Designations)

- Article 77-39 (1) When the Minister of Land, Infrastructure, Transport and Tourism has designated an approval body, the Minister must publicly notify of the name and address of the designated person (hereinafter referred to in this Section, Article 97-4 and Article 100 as "designated approval body"), the classification of the designation, work area, and the address of the office performing the approval work, etc. and the day the approval work, etc. starts.
- (2) When a designated approval body intends to change its name, address, or the address of the office where it performs approval work, etc., it must notify the Minister of Land, Infrastructure, Transport and Tourism to that effect at least two weeks prior to the day of the relevant change.
- (3) When the Minister of Land, Infrastructure, Transport and Tourism receives

the notification under the preceding paragraph, the Minister must publicly notify to that effect.

(Change in Work Area)

Article 77-40 (1) When a designated approval body expands or reduces its work area, it must obtain the permission of the Minister of Land, Infrastructure, Transport and Tourism.

(2) The provisions of Article 77-38, items (i) and (ii) shall apply mutatis mutandis to the permission in the preceding paragraph.

(3) When the Minister of Land, Infrastructure, Transport and Tourism has given permission under paragraph (1), the Minister must publicly notify to that effect.

(Renewal of Designation)

Article 77-41 (1) If a designation is not renewed at an interval from five to ten years specified by Cabinet Order, it shall cease to be effective.

(2) The provisions of Articles 77-36 through 77-38 shall apply mutatis mutandis to the renewal of designation specified in the preceding paragraph.

(Approvers)

Article 77-42 (1) A designated approval body must have its approvers perform approval work, etc. in accordance with a method established by Ministry of Land, Infrastructure, Transport and Tourism Order.

(2) Approvers must be appointed from among people with advanced knowledge concerning building construction technology satisfying requirements specified by Ministry of Land, Infrastructure, Transport and Tourism Order.

(3) When a designated approval body appoints or dismisses approvers, as specified by Ministry of Land, Infrastructure, Transport and Tourism Order, it must notify the Minister of Land, Infrastructure, Transport and Tourism to that effect.

(4) The Minister of Land, Infrastructure, Transport and Tourism may order a designated approval body to dismiss approvers if they violate the regulations for approval work, etc. approved under Article 77-45, paragraph (1) or act very inappropriately in connection with the relevant work, or the designated approval body does not conform to the criteria set forth in Article 77-38, item (iii) because of the relevant approvers.

(Obligation to Maintain Confidentiality)

Article 77-43 (1) A designated approval body (in the case of a corporation, directors; the same in the next paragraph), its staff (including approvers; the same in the next paragraph) and any person who was in those positions shall

not reveal any confidential information related to approval work, etc., nor shall appropriate this confidential information.

- (2) Regarding the application of the Penal Code and other penal codes, a designated approval body and its staff performing approval work, etc., shall be considered to be government employees engaged in public services by laws and orders.

(Responsibility for Approval)

Article 77-44 A designated approval body must immediately perform approval, etc. upon request, excluding cases where there are justifiable grounds not to do so.

(Regulations for Approval Work)

Article 77-45 (1) A designated approval body must establish regulations concerning the performance of approval work, etc. (referred to in this Section as "regulations for approval work, etc."), and shall obtain the approval of the Minister of Land, Infrastructure, Transport and Tourism. The same shall apply when the relevant regulations are to be revised.

- (2) Items that shall be established by the regulations for approval work, etc. shall be specified by Ministry of Land, Infrastructure, Transport and Tourism Order.
- (3) If the Minister of Land, Infrastructure, Transport and Tourism, etc. finds that the rules of approval, etc. work approved under paragraph (1) have become no longer appropriate for the impartial and correct performance of approval, the Minister may order the revision of the rules of approval, etc. work.

(Reports to the Minister of Land, Infrastructure, Transport and Tourism)

Article 77-46 (1) When a designated approval body has performed approval work, etc., it must submit a report to the Minister of Land, Infrastructure, Transport and Tourism, as specified by Ministry of Land, Infrastructure, Transport and Tourism Order.

- (2) When the Minister of Land, Infrastructure, Transport and Tourism receives a report under the preceding paragraph, if the Minister finds that the type approved by a designated approval body does not conform to the provisions in Chapter I, II (including cases where these Chapters apply *mutatis mutandis* in Article 88, paragraph (1)) or III, or the provisions of orders based thereon, the Minister must notify this information to the person who has obtained type approval and the designated approval body that granted the type approval of this fact. In this case, the relevant type-approval shall cease to be effective.

(Bookkeeping)

Article 77-47 (1) A designated approval body must prepare and keep a book which records items concerning the approval work, etc. specified by Ministry of Land, Infrastructure, Transport and Tourism Order, as specified by Ministry of Land, Infrastructure, Transport and Tourism Order.

(2) In addition to the provision of the preceding paragraph, a designated approval body must maintain documents concerning its approval work, etc. specified by Ministry of Land, Infrastructure, Transport and Tourism Order, as specified by Ministry of Land, Infrastructure, Transport and Tourism Order.

(Ministerial Orders)

Article 77-48 If the Minister of Land, Infrastructure, Transport and Tourism finds it necessary to ensure the impartial and correct performance of approval work, the Minister may issue to designated approval body an order necessary for supervision of the approval work.

(Reporting and Inspections)

Article 77-49 (1) If the Minister of Land, Infrastructure, Transport and Tourism finds it necessary to ensure the impartial and correct performance of the approval work, the Minister may request required reports for the approval work to the designated approval body, or to have its officials enter the office of the body to inspect the state of the approval work, or the facilities, the books, documents, and other objects, or to question related persons.

(2) The provisions of Article 15-2, paragraphs (2) and (3) shall apply *mutatis mutandis* in the case specified in the preceding paragraph.

(Suspension and Abandonment of Approval Work)

Article 77-50 (1) A designated approval body shall not suspend or abandon all or part of its approval work, etc. without obtaining the prior permission of the Minister of Land, Infrastructure, Transport and Tourism.

(2) When the Minister of Land, Infrastructure, Transport and Tourism has permitted abandonment of all of the approval work, etc. pursuant to the provisions of the preceding paragraph, the designation to the body that obtains the relevant permission shall cease to be effective.

(3) When the Minister of Land, Infrastructure, Transport and Tourism has given permission under paragraph (1), the Minister must publicly notify to that effect.

(Revocation of Designation)

Article 77-51 (1) The Minister of Land, Infrastructure, Transport and Tourism must revoke the designation of an approval body when it comes under any one of the items of Article 77-37 (excluding item (iv)).

- (2) The Minister of Land, Infrastructure, Transport and Tourism may revoke that designation or order the suspension of all or part of the approval work, etc. for a specified period of time, when a designated approval body falls under any of the following items:
- (i) the body has violated the provisions of Article 77-39, paragraph (2); Article 77-40, paragraph (1); Article 77-42, paragraphs (1) through (3); Article 77-44; Article 77-46, paragraph (1); Article 77-47; or paragraph (1) of the preceding Article;
 - (ii) the body has performed approval work, etc. not in accordance with the regulations for approval work, etc. approved under Article 77-45, paragraph (1);
 - (iii) the body has violated orders under Article 77-42, paragraph (4), Article 77-45, paragraph (3), or Article 77-48;
 - (iv) it is concluded that the body does not conform to the criteria set forth in each item of Article 77-38;
 - (v) the body has committed an extremely inappropriate act in connection with the approval work, etc., or an approver engaged in that work or a director in the case of a corporation, committed an extremely inappropriate act in connection with the approval work, etc.;
 - (vi) the body was designated by illegal means.
- (3) When the Minister of Land, Infrastructure, Transport and Tourism revokes and the designation pursuant to the provisions of the preceding two paragraphs, or suspends all or part of its approval work under the preceding paragraph, the Minister must publicly notify to that effect.

(Performance of Approval by the Minister of Land, Infrastructure, Transport and Tourism)

Article 77-52 (1) When a designated approval body comes under any of the following items, the Minister of Land, Infrastructure, Transport and Tourism shall, irrespective of Article 68-24, paragraph (2), perform the approval work, etc. which was suspended or ordered to be suspended, or which was difficult for the relevant body to perform, and neither of which is performed by other designated approval bodies:

- (i) the body has suspended all or part of the approval work, etc. pursuant to Article 77-50, paragraph (1);
- (ii) the body has been ordered to suspend all or part of the approval work, etc. pursuant to the provisions of paragraph (2) of the preceding Article;
- (iii) the Minister of Land, Infrastructure, Transport and Tourism concludes that it is difficult for the relevant body to perform the relevant work because of natural disasters or other uncontrollable factors and deems it necessary to perform the relevant work.

- (2) When the Minister of Land, Infrastructure, Transport and Tourism performs approval work pursuant to the provisions of the preceding paragraph, or stops performing the approval work pursuant to the provisions of that paragraph, the Minister must publicly notify to that effect in advance.
- (3) When the Minister of Land, Infrastructure, Transport and Tourism performs approval work, etc. pursuant to the provisions of paragraph (1), or permitted the reduction of the work area pursuant to the provisions of Article 77-40, paragraph (1) or abandonment of approval work, etc. under the provisions of Article 77-50, paragraph (1), or revoked the designation pursuant to the provisions of paragraph (1) or (2) of the preceding Article, succession of approval work, etc. and other necessary items shall be specified by Ministry of Land, Infrastructure, Transport and Tourism Order.

(Investigation Demands)

Article 77-53 Investigation demands regarding actions or nonfeasance by a designated approval body under this Act may be made to the Minister of Land, Infrastructure, Transport and Tourism under the Administrative Appeal Act. In this case, the Minister of Land, Infrastructure, Transport and Tourism shall deem the designated qualifying examination body for qualified building regulation conformity inspectors to be a higher administrative agency for the purposes of applying the provisions referred to in Article 25, paragraphs (2) and (3); Article 46, paragraphs (1) and (2); Article 47; and Article 49, paragraph (3) of the Administrative Appeal Act.

(Recognition)

Article 77-54 (1) Recognition under Article 68-24, paragraph (3) (including cases where it applies mutatis mutandis in Article 88, paragraph (1); the same in this Article.) shall be given in response to an application by those wishing to perform approval, etc. (limited to the person performing the work at an overseas office).

(2) The provision of Article 77-36, paragraph (2) shall apply mutatis mutandis to the application specified in the preceding paragraph, the provisions of Article 77-37, Article 77-38, Article 77-39 paragraph (1), and Article 77-41 shall apply mutatis mutandis to the recognition under Article 68-24 paragraph (3), the provisions of Article 77-22 (excluding the latter part of paragraph (3)), Article 77-34, Article 77-39, paragraph (2) and (3), Article 77-42, Article 77-44, Article 77-45, Article 77-46, paragraph (1), and Articles 77-47 through 77-49 shall apply mutatis mutandis to the person recognized under Article 68-24, paragraph (3) (hereinafter in this Article, the next Article, and Article 97-4, referred to as "recognized approval body"), and the provision of Article 77-46, paragraph (2) shall apply mutatis mutandis to approval, etc. performed by the

recognized approval body. In this case, the term "Minister of Land, Infrastructure, Transport and Tourism, etc." in Article 77-22, paragraphs (1), (2), and (4), and in Article 77-34, paragraphs (1) and (3) shall be replaced with "Minister of Land, Infrastructure, Transport and Tourism," "provisions of Article 77-18, paragraph (3) and Article 77-20, items (i) through (iv)" in the first part of Article 77-22, paragraph (3) shall be replaced with "provisions of Article 77-38, items (i) and (ii)," and "order(s)" in Article 77-42, paragraph (4), Article 77-45, paragraph (3), and Article 77-48 shall be replaced with "request(s)".

(Revocation of Recognition)

- Article 77-55 (1) The Minister of Land, Infrastructure, Transport and Tourism must revoke the recognition of a recognized approval body when it comes under any one of the items of Article 77-37 (excluding item (iv)) applied mutatis mutandis in paragraph (2) of the preceding Article.
- (2) The Minister of Land, Infrastructure, Transport and Tourism may revoke the recognition of a recognized approval body when it comes under any one of the following items:
- (i) the body has violated a provision of Article 77-22, paragraph (1) or (2); Article 77-34, paragraph (1); Article 77-39, paragraph (2); Article 77-42, paragraphs (1) through (3); Article 77-44; Article 77-46, paragraph (1); or Article 77-47 applied mutatis mutandis in paragraph (2) of the preceding Article;
 - (ii) the body has performed approval, etc. not in accordance with the regulations for approval work, etc. approved under Article 77-45, paragraph (1) applied mutatis mutandis in paragraph (2) of the preceding Article;
 - (iii) the body has failed to respond to the requests under Article 77-42 paragraph (4), Article 77-45 paragraph (3), or Article 77-48 applied mutatis mutandis in paragraph (2) of the preceding Article;
 - (iv) it is concluded that the body does not conform to the criteria set forth in each item of Article 77-38 applied mutatis mutandis in paragraph (2) of the preceding Article;
 - (v) the body, its approver, or director in the case of a corporation, has acted very inappropriately in connection with the approval work, etc.;
 - (vi) the body was recognized by illegal means;
 - (vii) the body has failed to request by the Minister of Land, Infrastructure, Transport and Tourism, when the Minister finds that a recognized approval body falls under any of the preceding items, and requests the suspension of all or part of the approval work, etc. for a specified period of time;
 - (viii) the body has failed to report under Article 77-49, paragraph (1) applied mutatis mutandis in paragraph (2) of the preceding Article, or has submitted

- a false report;
 - (ix) the body has refused, obstructed, or evaded inspections under Article 77-49, paragraph (1) applied mutatis mutandis in paragraph (2) of the preceding Article or has refused to answer questions under that paragraph, or has given false answers;
 - (x) the body does not bear expenses under the next paragraph.
- (3) Expenses required for the inspection under Article 77-49, paragraph (1) applied mutatis mutandis in paragraph (2) of the preceding Article (limited to those specified by Cabinet Order) shall be borne by the recognized approval body that receives the relevant inspection.

Section 5 Designated Performance Evaluation Body

(Designated Performance Evaluation Body)

- Article 77-56 (1) The designation under Article 68-25, paragraph (3) (including cases where it applies mutatis mutandis in Article 88, paragraph (1); the same in this Article) shall be performed in response to an application by those wishing to perform evaluations under Article 68-25, paragraph (3) (hereinafter referred to as "performance evaluations") (excluding the person performing the work at an overseas office).
- (2) The provision of Article 77-36, paragraph (2) shall apply mutatis mutandis to the application specified in the preceding paragraph, the provisions of Article 77-37, Article 77-38, Article 77-39, paragraph (1), and Article 77-41 shall apply mutatis mutandis to the designation under Article 68-25, Paragraph (3), the provisions of Article 77-39, paragraphs (2) and (3), Article 77-40, Articles 77-42 through 77-45, and Articles 77-47 through 77-52 shall apply mutatis mutandis to the person designated under the preceding paragraph (hereinafter in this Article, Article 97-4, and Article 100, referred to as "designated performance evaluation body"), and the provision of Article 77-53 shall apply mutatis mutandis to performance evaluations performed by a designated performance evaluation body, or failure to carry out those evaluations. In this case, the term "approvers" in Article 77-38, item (1), Article 77-42, Article 77-43, paragraph (1), and Article 77-51, paragraph (2), item (v) shall be replaced with "evaluators", "Article 77-46, paragraph (1) and Article 77-47" in item (i) of that paragraph shall be replaced with "Article 77-47", and "action" in Article 77-53 shall be replaced with "action (excluding results of performance evaluations)".

(Recognized Performance Evaluation Body)

- Article 77-57 (1) The approval under Article 68-25, paragraph (6) (including cases where it applies mutatis mutandis in Article 88, paragraph (1); the same in this Article) shall be given in response to an application by those wishing to

perform performance evaluations (limited to the person performing the work at an overseas office).

- (2) The provision of Article 77-36, paragraph (2) shall apply mutatis mutandis to the application specified in the preceding paragraph; the provisions of Article 77-37, Article 77-38, Article 77-39, paragraph (1), and Article 77-41 shall apply mutatis mutandis to the recognition under Article 68-25, paragraph (6); the provisions of Article 77-22 (excluding the latter part of paragraph (3)), Article 77-34, Article 77-39, paragraphs (2) and (3), Article 77-42, Article 77-44, Article 77-45, and Articles 77-47 through 77-49, and Article 77-55 shall apply mutatis mutandis to the person recognized under Article 68-25, paragraph (6) (hereinafter in Article 97-4 referred to as "recognized performance evaluation body"). In this case, the term "Minister of Land, Infrastructure, Transport and Tourism, etc." in Article 77-22 paragraphs (1), (2) and (4), and Article 77-34, paragraphs (1) and (3) shall be replaced with "Minister of Land, Infrastructure, Transport and Tourism"; "the provisions of Article 77-18, paragraph (3) and Article 77-20, items (i) through (iv)" in the first part of Article 77-22, paragraph (3) shall be replaced with "the provisions of Article 77-38, items (i) and (ii)"; "approvers" in Article 77-38, item (i), Article 77-42, and Article 77-55, paragraph (2), item (v) shall be replaced with "evaluators," "order(s)" in Article 77-42, paragraph (4), Article 77-45, paragraph (3), and Article 77-48 shall be replaced with "request(s)," and "Article 77-46, paragraph (1) or Article 77-47" in Article 77-55, paragraph (2), item (i) shall be replaced with "or Article 77-47".

**Chapter IV-3 Registration of Qualified Building Regulation Conformity
Inspectors
Section 1 Registration of Qualified Building Regulation Conformity
Inspectors**

(Registration)

Article 77-58 (1) A person who has passed the qualifying examination for building regulation conformity inspectors may be registered by the Minister of Land, Infrastructure, Transport and Tourism.

- (2) The registration specified in the preceding paragraph shall be performed by the Minister of Land, Infrastructure, Transport and Tourism, recording the name, date of birth, address, and other items specified by Ministry of Land, Infrastructure, Transport and Tourism Order in the register of qualified building regulation conformity inspectors.

(Disqualification)

Article 77-59 A person coming under any of the following items is not able to be

registered under paragraph (1) of the preceding Article:

- (i) a Minor;
- (ii) a person who has been sentenced to imprisonment or a higher penalty, or sentenced to punishment pursuant to the provisions of building standard laws and regulations, and for whom five years have not yet elapsed since the date on which relevant execution has been completed or has become no longer subject to execution;
- (iii) a person whose registration under paragraph (1) of the preceding paragraph has been deleted pursuant to the provisions of Article 77-62, paragraph (1), item (iv) or paragraph (2), items (iii) through (v), and for whom five years have not yet elapsed since the date of the relevant deletion;
- (iv) a person who has been prohibited from performing confirmation and inspection pursuant to the provisions of Article 77-62, paragraph (2), items (iii) through (v) and whose registration under paragraph (1) of the preceding Article has been deleted during the relevant period of the prohibition pursuant to the provisions of paragraph (1), item (i) of that paragraph and the relevant period has not elapsed;
- (v) a person coming under Article 7, item (iv) of the Act on Architects and Building Engineers;
- (vi) a government employee that has been subject to a disposition of disciplinary dismissal, and for whom three years have not yet elapsed since the date of the relevant disposition.

Article 77-59-2 The Minister of Land, Infrastructure, Transport and Tourism may not perform the registration under Article 77-58, paragraph (1) of a person deemed by Ministry of Land, Infrastructure, Transport and Tourism Order as a person incapable of performing the confirmation and inspection work appropriately due to mental or physical incapacitation.

(Registration of Revisions, etc.)

Article 77-60 A person registered under Article 77-58, paragraph (1) (referred to as "qualified building regulation conformity inspector" in the next Article and in Article 77-62, paragraph (2)) must apply for a revision to the registration as specified by Ministry of Land, Infrastructure, Transport and Tourism Order, when there has been a change in items subject to the relevant registration specified by Ministry of Land, Infrastructure, Transport and Tourism Order.

(Notice of Death)

Article 77-61 When a qualified building regulation conformity inspector comes under any of the following items, the person provided for in each item must notify the Minister of Land, Infrastructure, Transport and Tourism to that

effect within 30 days from the day that the relevant inspector has come under one of those items (in the case of item (i), from the day that the fact becomes known):

- (i) death: a successor;
- (ii) when coming under Article 77-59, item (ii), (v), or (vi): a guardian or assistant;
- (iii) when coming under cases specified by Ministry of Land, Infrastructure, Transport and Tourism Order as a person who is incapable of performing the confirmation and inspection work appropriately due to mental or physical incapacitation: the individual, that person's legal guardian or that person's co-residing relative.

(Deletion of Registration)

Article 77-62 (1) The Minister of Land, Infrastructure, Transport and Tourism must delete the registration specified in Article 77-58, paragraph (1) in case of any one of the following items:

- (i) when the qualified building regulation conformity inspector has requested deletion of the registration;
 - (ii) when a notice under the preceding Article (excluding parts related to item (iii); the same shall apply in the next item) has been submitted;
 - (iii) when it has been revealed that a condition corresponding to item (i) or item (ii) of that Article exists even without a notice under the preceding Article;
 - (iv) the registration was made by illegal means;
 - (v) when the qualification for the building regulation conformity inspector has been canceled pursuant to the provisions of Article 5, paragraph (6) or Article 5-2, paragraph (2).
- (2) The Minister of Land, Infrastructure, Transport and Tourism may either prohibit the qualified building regulation conformity inspector from performing confirmation and inspection work for a specified period of one year or less, or delete the relevant registration when the relevant inspector comes under any of the following items:
- (i) when a notice has been given under the preceding Article (limited to the parts related to item (iii); the same shall apply in the next item);
 - (ii) when no notice has been given under the preceding Article and a fact coming under item (iii) of that Article has been identified;
 - (iii) when the relevant inspector has performed confirmation and inspection work while violating the provisions of Article 18-3, paragraph (3);
 - (iv) when the relevant inspector has violated the regulations for confirmation and inspection work approved under Article 77-27, paragraph (1);
 - (v) when the relevant inspector has acted very inappropriately in connection

with the confirmation and inspection work.

- (3) When the Minister of Land, Infrastructure, Transport and Tourism performs the disposal under the preceding two paragraphs, as specified by Ministry of Land, Infrastructure, Transport and Tourism Order, the Minister must give public notice to that effect

(Through the Prefectural Governor)

Article 77-63 (1) The submission of documents to the Minister of Land, Infrastructure, Transport and Tourism concerning the application for registration under Article 77-58, paragraph (1), the issuing, revision, reissuing, and return of a registration certificate, and others concerning registrations under that paragraph must be carried out through the prefectural governor of the place where the submitting person lives or works.

- (2) The issuing of documents by the Minister of Land, Infrastructure, Transport and Tourism concerning issuing and reissuing of registration certificate and registration under Article 77-58, paragraph (1) shall be done through the prefectural governor of the place where the submitting person lives or works.

(Entrustment to Ministry of Land, Infrastructure, Transport and Tourism Order)

Article 77-64 In addition to the provisions from Article 77-58 through the preceding Article, the application for registration under Article 77-58, paragraph (1), the issuing, revision, reissuing, and return of a registration certificate, and other items concerning registrations under that paragraph shall be specified by Ministry of Land, Infrastructure, Transport and Tourism Order.

(Fee)

Article 77-65 A person applying for registration or the revision or reissuance of a registration certificate under Article 77-58, paragraph (1) (excluding the officials of a city, town, village, or prefecture) must pay to the national government a registration fee specified by Cabinet Order after calculating actual expenses, as specified by Cabinet Order.

Section 2 Registration of Qualified Structural Calculation Reviewers

Article 77-66 (1) A person who has passed the qualifying examination for structural calculation conformity reviewers or who has been deemed by the Ministry of Land, Infrastructure, Transport and Tourism to have equivalent or superior knowledge and experience can be registered by the Minister of Land, Infrastructure, Transport and Tourism.

(2) The provisions of Article 77-58, paragraph (2), Article 77-59, Article 77-59-2, Article 77-62, paragraphs (1) and (3) (limited to parts relating to paragraph (1) of that Article), and Article 77-63 through to the preceding Article shall be applied to registrations under the provisions of the preceding paragraph; and the provisions of Article 77-60, Article 77-61, and Article 77-62, paragraphs (2) and (3) (limited to parts relating to paragraph (2) of that Article) to a person who is registered under the provisions of the preceding paragraph, mutatis mutandis. In this case, "confirmation inspections" in Article 77-59, item (iv), Article 77-59-2, Article 61, paragraph (3) and Article 77-62, paragraph (2), item (v) shall be read as "structural calculation conformity reviews"; "Article 5, paragraph (6), or Article 5-2, paragraph (2)" in paragraph (1), item (v) of that Article as "Article 5, paragraph (6) applied mutatis mutandis to Article 5-4, paragraph (5), or Article 5-2, paragraph (2) applied mutatis mutandis to Article 5-5, paragraph (2)"; "confirmation and inspection work for a specified period of time" in paragraph (2) of that Article as "structural calculation conformity reviews for a specified period of time", "Article 77-27, paragraph (1)" in paragraph (4) of that Article as "Article 77-35-12, paragraph (1)"; "confirmation inspection regulations" as "structural calculation conformity review regulations"; and "a person (excluding the officials of a city, town, village, or prefecture)" in the preceding Article as "a person".

Chapter V Building Review Council

(Building Review Council)

Article 78 (1) A Building Review Council shall be established in any city, town, village having building officials or in any prefecture in order to decide by vote on items requiring its consent as specified in this Act and on rulings as to investigation demands made under the part of Article 94, paragraph (1), and further, to investigate and deliberate on important items concerning the enforcement of this Act in response to inquiries of the Designated Administrative Agency.

(2) In addition to conducting affairs as specified in the preceding paragraph, the Building Review Council may make suggestions to related administrative organs on items concerning the enforcement of this Act.

(Organization of Building Review Councils)

Article 79 (1) A Building Review Council shall be composed of five or more members.

(2) The members shall be appointed by the mayor of the municipality, or by the prefectural governor from among persons of superior learning and experience in the field of laws, economy, architecture, city planning, public sanitation or

administration, that are capable of giving fair judgment on items concerning the public welfare.

(Disqualification of Members)

Article 80 Any person coming under any of the following items may not become a member:

- (i) a person that has been ordered to begin bankruptcy procedures and is unable to be reinstated;
- (ii) a person who was sentenced to imprisonment or a more severe punishment and has not yet completed that sentence or become no longer subject to it.

(Dismissal of Members)

Article 80-2 (1) If a member pertaining to their appointment by each of the mayor of municipality or the prefectural governor comes under any of the items of the preceding Article, the mayor or the governor must dismiss that member.

(2) If a member pertaining to their appointment by each of the mayor of municipality or the prefectural governor comes under any of the following items, the mayor or the governor may dismiss that member:

- (i) if it is concluded that the member cannot perform the member's duty because of mental or physical incapacitation;
- (ii) if it is concluded that the member has swerved from the member's duty and has conducted malfeasance unsuitable for a member.

(President)

Article 81 (1) The Building Review Council shall have a president. The president shall be elected through co-optation by the members.

(2) The president shall preside over the affairs of the Council and represent the Building Review Council.

(3) If the president becomes incapacitated, any member selected in advance through co-optation by the members shall act in the president's stead.

(Exclusion of Members)

Article 82 No member shall, with respect to any case of interest to the member's own or kin within third grade kinship, take part in any proceeding concerning decisions on consent as specified in this Act or investigation demands made under the first part of Article 94, paragraph (1).

(Entrustment to Ordinances)

Article 83 In addition to the provisions of this Chapter, the organization of the Building Review Council, Council proceedings, and compensation, payment of expenses to members, terms of office of members and other necessary items

concerning the Building Review Council shall be provided by ordinances. In this case, the terms of office of Council members shall be determined with reference to the standards specified by Ministry of Land, Infrastructure, Transport and Tourism Order.

Chapter VI Miscellaneous Provisions

(Building Restrictions in Afflicted Urban Areas)

Article 84 (1) In case of a disaster in an urban area, if the Designated Administrative Agency finds it necessary for the City Planning or the land readjustment project under the Land Readjustment Act, it is able to designate areas and restrict or prohibit the construction of buildings therein, for a limited period of time within one month from the day of the occurrence of the disaster.

(2) The Designated Administrative Agency may extend the period in the preceding paragraph within a range that does not exceed an additional one month.

(Relaxation of Restrictions on Buildings with Simple Construction)

Article 84-2 The provisions of Articles 22 through 26, Article 27, paragraph (1) and 3, Article 35-2, Articles 61, Article 62 and Article 67, paragraph (1) shall not apply to buildings or parts of buildings with simple construction which are designated by Cabinet Order such as automobile garages without walls or sports practice facilities with canvas roofs for example, and which conform to standards established by Cabinet Order.

(Relaxation of Restrictions on Temporary Buildings)

Article 85 (1) In the case of a serious disaster, the provisions of building standard laws and regulations shall not apply to the emergency repair of buildings destroyed in the disaster or the construction of emergency temporary buildings coming under any of the following items, which begins within one month from the day of the occurrence of the disaster within the serious disaster area, etc. (which means the area where the serious disaster has occurred or adjacent areas thereto as designated by the Designated Administrative Agency; the same shall apply in Article 87-3, Paragraph (1)). Provided, however, that this shall not apply in cases where construction is executed within Fire Prevention Districts:

- (i) buildings for relief constructed by the State, local government or Japan Red Cross Society;
- (ii) buildings constructed by disaster victims for their own use, the total floor area of which does not exceed 30 square meters.

- (2) The provisions of Articles 6 through 7-6, Article 12 paragraphs (1) through (4), Article 15, Article 18 (excluding paragraph 25), Article 19, Articles 21 through 23, Article 26, Article 31, Article 33, Article 34, paragraph (2), Article 35, Article 36 (limited to parts which pertain to Article 19, Article 21, Article 26, Article 31, Article 33, Article 34, paragraph (2), and Article 35), Article 37, Article 39 and Article 40, and the provisions of Chapter III shall not apply to those buildings which are constructed in disasters, such as stations, government and public offices or other emergency temporary buildings similar thereto offered for use necessary for the public interest, or to offices, sheds, storage facilities for construction materials or other temporary buildings similar thereto provided in construction fields for the execution of construction work. Provided, however, that the provisions referred to in Article 62 shall apply to any building of which total floor area exceeds 50 square meters in Fire Prevention Districts or Quasi-fire Prevention Districts.
- (3) If a person who has constructed an emergency temporary building under the preceding two paragraphs intends to leave the relevant building as is for more than three months after the completion of construction, that person must obtain permission from the Designated Administrative Agency the day before that period is exceeded. Provided, however, that when the person has applied for the relevant permission, but action has not been taken to deal with the application by the day before the three-month period is exceeded, it shall be possible to leave the relevant building as is until the relevant action has been taken.
- (4) When that an application for permission in the preceding paragraph has been made, if the Designated Administrative Agency finds that the permission is not detrimental for safety, fire prevention, and sanitation, it may give relevant permission for a limited period of time within two years.
- (5) With respect to temporary play houses, pavilions, temporary stores and other temporary buildings similar thereto (to be referred to as a "temporary playhouse, etc." in the next paragraph and in Article 101, paragraph (1), item (x)), the Designated Administrative Agency may, if it concludes that there is no objection from the viewpoint of safety, fire prevention, and sanitation, give permission for the construction of those buildings, specifying a period of use of not more than one year (or a period deemed necessary by the Designated Administrative Agency for the construction concerned, with respect to temporary stores or other temporary buildings necessary for taking the place of the old buildings during the period of construction work). In this case, the provisions of Article 12, paragraphs (1) through (4), Articles 21 through 27; Article 31, Article 34, paragraph (2), Article 35-2, Article 35-3 and Article 37, and the provisions of Chapter III shall not apply.
- (6) The Designated Administrative Agency may grant permission for the

construction of the temporary playhouse, etc. notwithstanding the provisions of the preceding paragraph, by specifying a period that is deemed necessary for use of the relevant temporary playhouse, etc., concerning a temporary playhouse, etc. of which use in excess of one year is necessary due to reasons such as providing a meeting place or for competitions of an international scale, when the Agency concludes that there are no objections from the viewpoint of safety, fire prevention and sanitation, and that it is permissible in light of the public interest. In this case, the provisions of the latter part of that paragraph shall apply mutatis mutandis.

(7) The Designated Administrative Agency must obtain consent thereto from the Building Review Council in advance, when granting permission under the preceding paragraph.

(Relaxation of Restrictions on Buildings that are Buildings Important for landscape)

Article 85-2 Concerning to regarded one worthy to be preserved in its current location and construction to conserve the good scenery, of buildings designated as Buildings important for landscape pursuant to the provisions of the Landscape Act, Article 19, paragraph (1), municipalities may provide in their ordinances, upon obtaining the approval of the Minister of Land, Infrastructure, Transport and Tourism, that whole or part of the provisions referred to in Articles 21 through 25, Article 28, Article 43, Article 44, Article 47, Article 52, Article 53, Articles 54 through 56-2, Article 58, Article 61, Article 62, Article 67, paragraph (1) and paragraphs (5) through (7), and Article 68, paragraph (1) and paragraph (2) or that the restrictions under those provisions are to be relaxed, when those provisions is deemed necessary to enforce the provisions referred to in Article 22 and Article 25 of the same Act.

(Relaxation of Restrictions in Traditional Building Preservation Zones)

Article 85-3 In traditional building preservation zones as specified in Article 143, paragraph (1) or (2) of the Cultural Properties Protection Act, municipalities may provide in their ordinances upon obtaining the approval of the Minister of Land, Infrastructure, Transport and Tourism that the whole or part of the provisions referred to in Articles 21 through 25, Article 28, Article 43, Article 44, Article 52, Article 53, Article 55, Article 56, Articles 61, Article 62 and Article 67 paragraph (1) are not applicable or that the restrictions based on those provisions are to be relaxed, when that provision is deemed necessary by the relevant municipalities for ensuring appropriate measures for the restraint of modification of the present state or for preservation as prescribed in ordinances under the latter part of paragraph (1) of Article 83-3 of the same Act (including cases where the part applies mutatis mutandis in the latter part

of paragraph (2) of that Article.) .

(Special Rules for Specified Multiple Buildings)

- Article 86 (1) If two or more buildings are constructed within one estate (when this estate includes another target area pursuant to the provisions of paragraph (8), the entire relevant other target areas must be included) by integral designing, those buildings shall be considered to be located on the same site in applying the provisions of Article 23, Article 43, Article 52, paragraphs (1) through (13), Article 52-2, Article 52-3, paragraphs (1) through (4), Article 53, paragraph (1) or (2), Article 54, paragraph (1), Article 55, paragraph (2), Article 56, paragraphs (1) through (4) or (6), Article 56-2, paragraphs (1) through (3), Article 59, paragraph (1), Article 59-2, paragraph (1), Article 60, paragraph (1), Article 60-2, paragraph (1), Article 60-2-2, paragraph (1), Article 60-3, paragraph (1), Article 61, or Article 68-3 paragraphs (1) through (3) (referred to in the next paragraph through paragraph (4) as "regulations subject to exemption") if the Designated Administrative Agency concludes, as specified by Ministry of Land, Infrastructure, Transport and Tourism Order, that the location and construction of each building presents no objection from the viewpoint of safety, fire prevention and sanitation.
- (2) If, considering the locations and structures of buildings already constructed in an area of the land of a certain single estate (when this estate includes another target area pursuant to the provisions of paragraph (8), the entire relevant other target areas must be included), buildings are to be constructed on the relevant site based on the integral designing in accordance with requirements for safety, fire prevention, and sanitation as specified by Ministry of Land, Infrastructure, Transport and Tourism Order, and so approved by the Designated Administrative Agency, the regulations subject to exemption shall be applied to the buildings on the relevant site as if these buildings were located on a single building site.
- (3) If two or more buildings are constructed within one estate with open space specified by Cabinet Order and with an area equal to or larger than a scale specified by Cabinet Order (when this estate includes another area subject to public notice pursuant to the provisions of paragraph (8), the entire other site must be included) by integral designing, and where with regards those buildings, the Designated Administrative Agency has, as specified by Ministry of Land, Infrastructure, Transport and Tourism Order, permitted as buildings of which location, building coverage ratio, floor area ratio, height of each part, and other structures will not be detrimental from the viewpoint of traffic, safety, fire prevention and sanitation, and as a result of overall consideration, will contribute to the improvement of the environment of the urban area, the

regulations subject to exemption (excluding Article 59-2, paragraph (1)) shall be applied to the relevant permitted buildings as if they were on the same site, and, within the authorization of permission, it shall be possible for the floor area ratio of those buildings and for the height of each of their parts to exceed the limits under Article 52, paragraphs (1) through (8); Article 52-2, paragraph (6) or Article 56; or Article 55 paragraph (1) which are applied assuming these buildings are on the same site.

- (4) If, premised on the locations, building coverage ratios, floor area ratios, heights of each part and other structures of buildings which already exist in an area of the land of a certain single estate with an area equal to or larger than a scale specified by Cabinet Order (when this estate includes another area subject to public notice pursuant to the provisions of paragraph (8), the entire other site must be included) , buildings are constructed in the relevant area by integral designing based on the criteria specified by Ministry of Land, Infrastructure, Transport and Tourism Order that are necessary for traffic, safety, fire prevention, and sanitation, and the relevant area contains open space specified by Cabinet Order, when the Designated Administrative Agency has, as specified by Ministry of Land, Infrastructure, Transport and Tourism Order, permitted the relevant new building as one of which location, building coverage ratio, floor area ratio, height of each part, and other structures will not be detrimental from the viewpoint of traffic, safety, fire prevention, and sanitation, and as a result of overall consideration, will contribute to the improvement of the environment of the urban area, the regulations subject to exemption (excluding Article 59-2, paragraph (1)) shall be applied to each of the buildings that now exist in the relevant area as if these buildings were on the same site, and, within the authorization of permission, it shall be possible for the floor area ratio of the new building and for the height of each of its parts to exceed the limits under Article 55; or Article 52, paragraphs (1) through (9), Article 56 or Article 57-2, paragraph (6) which are applied assuming these buildings are on the same site.
- (5) The provision of Article 44, paragraph (2) shall apply mutatis mutandis in the case of the permissions under the preceding 2 paragraphs.
- (6) A person applying for the approval or permission under paragraphs (1) through (4) must prepare and submit a plan concerning the locations and structures of the buildings on the specified site (one estate in paragraphs (1) or (3), or an area of the land of a certain single estate in paragraph (2) or (4); the same applies hereinafter), as specified by Ministry of Land, Infrastructure, Transport and Tourism Order, and when there are other parties with property ownership rights or leasehold rights to land within the relevant specified site, the agreement of all these parties concerning the relevant plan must be obtained in advance.

- (7) With respect to buildings in District Plans areas, etc. (excluding Rural District Plans) coming under the following conditions in the case of paragraph (1) or (3), the construction of two or more buildings on one estate by integral designing can be done by dividing the buildings into execution phases:
- (i) an area for which District Development Plans, etc. (excluding Rural Hamlet District Improvement Plans) has been established and the following items have been specified:
 - (a) location and size of district facilities, etc.;
 - (b) restrictions on the position of wall surfaces (limited to those including restrictions on the position of wall surfaces facing district facilities, etc.).
 - (ii) areas for which restrictions concerned with items set forth in (b) of the preceding item have been specified by ordinances based upon the provisions of Article 68-2, paragraph (1).
- (8) When the Designated Administrative Agency has given approval or permission under paragraphs (1) through (4), it must immediately publicly notify of the relevant specified site and other items concerning the plan in paragraph (6) related to the relevant approval or permission as specified by Ministry of Land, Infrastructure, Transport and Tourism Order, and must at the same time drawings and documents concerning the specified site, the locations of the buildings, and other items specified by Ministry of Land, Infrastructure, Transport and Tourism Order to make them available for public inspection.
- (9) An approval or permission under paragraphs (1) through (4) shall take effect by the public notice under the preceding paragraph.
- (10) When an application under paragraphs (1) through (4) for approval or permission of the locations and structures of the buildings on a site that includes the entire site in the target area publicly notified pursuant to the provisions of paragraph (8) (hereinafter referred to as "area subject to public notice") has been approved under paragraph (1) or (2) (hereinafter in this paragraph referred to as "new approval"), or permitted under paragraph (3) or (4) (hereinafter in this paragraph referred to as "new permission") by the Designated Administrative Agency, the prior approvals concerning locations and structures of the buildings on a relevant area subject to public notice under paragraph (1) or (2) or under paragraph (1) of the next Article, or the prior permission under paragraph (3) or (4), or under paragraph (2) or (3) of the next Article shall cease to be effective on and after the day of the public notice under paragraph (8) concerning the new approval or permission.

(Approval of the Location and Structure of a Building other than Approved Buildings on a Single Site within the Site Approved in the Public Notice)
Article 86-2 (1) A person which intends to construct a building other than

buildings considered to be on a single site pursuant to the provisions of paragraph (1) or (2) of that Article (hereinafter referred to as "approved buildings on a single site") within the site approved in the public notice (referred to the area subject to public notice related to the approval under the provisions of paragraph (1) or (2) of the preceding Article; the same applies hereinafter), as specified by Ministry of Land, Infrastructure, Transport and Tourism Order, must obtain the approval of the Designated Administrative Agency to the effect that the location and structure of the approved building on a single site presents no objection from the viewpoint of safety, fire prevention, or sanitation in relation to the locations and structures of the existing approved buildings on the same site within the site approved in the public notice concerned.

(2) If a building other than approved buildings on a single site is to be constructed within the site approved in the public notice with an area equal to or larger than the scale specified by Cabinet Order (limited to those for which the relevant site includes open space specified by Cabinet Order), when the Designated Administrative Agency has, as specified by Ministry of Land, Infrastructure, Transport and Tourism Order, permitted after concluding that the location, building coverage ratio, floor area ratio, height and each part and other structures of the relevant building will not be detrimental from the viewpoint of traffic, safety, fire prevention, and sanitation and that will contribute to the improvement of the urban area in relation to the location, building coverage ratio, floor area ratio, height and each part and other structures of the other approved buildings on a single site, within the authorization of permission, it shall be possible for the heights and floor area ratios of each part of the relevant building to exceed the limits under Article 55, paragraph (1) and the provisions of Article 52, paragraphs (1) through (9), Article 56, or Article 57-2, paragraph (6) which are applied assuming that site approved in the public notice is a single site In this case, the provisions of the preceding paragraph shall not apply.

(3) A person which intends to construct a building other than buildings considered to be on a single site pursuant to the provisions of paragraph (3) or (4) of that Article (hereinafter referred to as "permitted buildings on a single site") within the site permitted in the public notice (referred to the area subject to public notice related to the permission under the provisions of paragraph (3) or (4) of the preceding Article; the same applies hereinafter) must obtain permission from the Designated Administrative Agency, as specified by Ministry of Land, Infrastructure, Transport and Tourism Order. In this case, the Designated Administrative Agency shall give permission only in a case where it is concluded that the location, building coverage ratio, floor area ratio, height of each part and other structures of the relevant building will not be

detrimental from the viewpoint of traffic, safety, fire prevention, and sanitation and that it will contribute to the improvement of the urban area in relation to the location, building coverage ratio, floor area ratio, height and each part and other structures of the other permitted buildings on a single site, and it is also concluded that the relevant site will maintain open space specified by Cabinet

- (4) A person that intends to apply for permission under paragraph (2) must obtain, in advance, the agreement of these parties concerning the plan for the building, when there are parties other than this person with ownership rights or leasehold rights to land within the site approved in the public notice.
- (5) The provision of Article 44, paragraph (2) shall apply mutatis mutandis in the case of the permission under paragraph (2) or (3).
- (6) When the Designated Administrative Agency has given approval or permission under the provisions of paragraphs (1) through (3), as specified by Ministry of Land, Infrastructure, Transport and Tourism Order, it must immediately give public notice to that effect to that effect, and must carry out specified changes to the items presented in the drawings and documents specified in paragraph (8) of the preceding Article.
- (7) The provisions of paragraph (9) of the preceding Article shall apply mutatis mutandis in the case of an approval or permission under paragraphs (1) through (3).
- (8) The provisions of paragraph (1) or (2) of the preceding Article or the provisions of paragraph (3) or (4) of that Article (in the case of the permission under paragraph (2), limited to parts of paragraph (3) or (4) of that Article which treat one estate or an area of the land of a certain single estate as a single site) shall apply mutatis mutandis to a building within an area subject to public notice that has received approval under paragraph (1) or permission under the provisions of paragraph (2) or (3) and to a building on the area subject to public notice concerned other than the relevant building respectively.
- (9) The provisions of paragraph (1) if there is a building which has received approval under the provisions referred to in that paragraph or paragraph (2) within the site approved in the public notice, shall be applied assuming that the relevant building is an approved building on a single site.
- (10) A site approved in the public notice for which there has been a public notice under the provisions of paragraph (6) concerning the permission under paragraph (2), shall be considered to be a site permitted in the public notice from the day of the relevant public notice.
- (11) The provisions referred to in paragraph (3) shall be applied on a site permitted in the public notice under the provisions of the preceding paragraph, assuming that the building which has received permission under paragraph (2) and a building on the site permitted in the public notice concerned other than

the relevant building is permitted buildings on a single site.

(12) The provisions of paragraph (3) if there is a building which has received permission referred to in that paragraph within the site permitted in the public notice, shall be applied assuming that the relevant building is a permitted building on a single site.

(Special Rules for Restrictions on Buildings Considered to be on a Single Site in High-level Use District)

Article 86-3 Buildings considered to be on a single site pursuant to the provisions of Article 86, paragraphs (1) through (4) (including cases where these provisions apply mutatis mutandis in paragraph (8) of the preceding Article) shall be treated as a single building when the provisions of Article 59, paragraph (1) or Article 60-2, paragraph (1) or Article 60-3, paragraph (1) are applied.

(Special Rules for Buildings Considered to be on a Single Site concerning Openings in Exterior Walls)

Article 86-4 When Article 27, paragraph (2) or (3), or Article 67, paragraph (1) applies to a building coming under any of the following items, a building under item (i), (a) shall be considered to be a fire-resistive building and a building under item (i), (b) shall be considered to be a quasi fire-resistive building:

- (i) buildings approved or permitted under Article 86, paragraph (1) or paragraph (3) and coming under any of the following:
 - (a) those which come under Article 2, item (ix)-2, (a);
 - (b) those which come under either (a) or (b) in Article 2, item (ix)-3.
- (ii) buildings approved or permitted under Article 86, paragraph (2) or paragraph (4), and which come under either (a) or (b) in the preceding item (limited to those for which the existing buildings on the area subject to public notice related to the approval or permission concerned come under either (a) or (b) in that item);
- (iii) buildings approved or permitted under Article 86-2, paragraphs (1) through (3), and which come under either (a) or (b) in item (i) (limited to those for which other approved buildings on a single site or permitted buildings on a single site within the area subject to public notice related to the approval or permission concerned come under either (a) or (b) in that item).

(Cancellation of the Approval or Permission of Specified Multiple Buildings)

Article 86-5 (1) Parties with property ownership rights or lease-hold rights to land on the area subject to public notice shall, with the unanimous agreement of all parties, be able to submit a request for cancellation of the approval under

Article 86, paragraph (1) or (2); or Article 86-2, paragraph (1); or a request for cancellation of the permission under Article 86, paragraph (3) or (4); or Article 86-2, paragraph (2) or (3) to the Designated Administrative Agency.

- (2) If a Designated Administrative Agency which has received an application for cancellation of the approval under the preceding paragraph, finds that the location and structure of buildings on the site permitted in the public notice for the relevant application is not detrimental for safety, fire prevention, and sanitation, it cancels the approval concerning the relevant application.
- (3) If a Designated Administrative Agency which has received an application for cancellation of the permission under paragraph (1), finds that the location, building coverage ratio, floor area ratio, height of each part, and other structures of buildings on the site permitted in the public notice for the relevant application are not detrimental for safety, fire prevention, and sanitation, and does not obstruct the improvement of the environment of the urban area, it cancels the permission concerning the relevant application.
- (4) When a Designated Administrative Agency has made a cancellation under the preceding two paragraphs, as specified by Ministry of Land, Infrastructure, Transport and Tourism Order, it must immediately issue a public notice to that effect.
- (5) The cancellation under paragraph (2) or (3) shall take effect at the time of the public notice under the preceding paragraph.
- (6) In addition to the provisions of the preceding two paragraphs, items necessary for the cancellation of the approval or permission under paragraph (2) or (3) shall be specified by Ministry of Land, Infrastructure, Transport and Tourism Order.

(Special Rules for Restrictions on Residential Facilities on One Estate by Integral Designing)

- Article 86-6 (1) When specifying the City Planning for residential facilities on one estate, with respect to the floor area ratio specified in Article 52, paragraph (1), item (i), the building coverage ratio specified in Article 53, paragraph (1), item (i), the retrocessive distance of exterior walls specified in Article 54, paragraph (2) and the height of buildings specified in Article 55, paragraph (1), criteria for the ratio, distance and height other than those specified in each relevant provision may be specified for Category 1 Low-rise Exclusive Residential Districts, Category 2 Low-rise Exclusive Residential Districts or Countryside Residential Districts.
- (2) If buildings are constructed by comprehensive designing based on the city planning in the preceding paragraph, if the relevant buildings conform to the criteria specified in the relevant city planning pursuant to e preceding paragraph, and if the Designated Administrative Agency finds that the location

and structure of each building is not detrimental for protection of the residential environment in the Category 1 Low-rise Exclusive Residential Districts, Category 2 Low-rise Exclusive Residential Districts, or Countryside Residential Districts, the provisions of Article 52, paragraph (1), item (i); Article 53, paragraph (1), item (i); Article 54, paragraph (1); and Article 55, paragraph (1) shall not apply to those buildings.

(Relaxation of Restrictions on Existing Buildings)

Article 86-7 (1) If addition, rebuilding, major repair or major remodeling (below in this Article and the next Article, "addition etc.") (limited to cases in which the structural method in the building after the additions or rebuilding conforms to the standards specified by Cabinet Order in the case of additions or rebuilding within the scope specified by the relevant Cabinet Order in buildings to which the provisions of Article 20 do not apply under the provisions of Article 3, paragraph (2)) is undertaken within the scope specified by Cabinet Order as to those buildings which, pursuant to the provisions of Article 3, paragraph (2) (including cases where it is applied mutatis mutandis in Article 86-9, paragraph (1); same shall apply below in this Article, in the next Article, in Article 87 and in Article 87-2), are not subject to the provisions referred to in Article 20, Article 26, Article 27, Article 28-2 (limited to parts of standards referred to in each item of that Article concerning provisions specified by Cabinet Order) Article 30, Article 34 paragraph (2), Article 47, Article 48, paragraphs (1) through (13), Article 51, Article 52, paragraphs (1) and (2) or Article 7, Article 53, paragraph (1) or paragraph (2), Article 54, paragraph (1), Article 55, paragraph (1), Article 56, paragraph (1), Article 56-2, paragraph (1), Article 57-4, paragraph (1), Article 57-5, paragraph (1), Article 58, Article 59, paragraph (1) or (2), Article 60, paragraph (1) or (2), Article 60-2, paragraph (1) or (2), Article 60-2, paragraph (1) or (2), Article 60-2-2, paragraphs (1) through (3), Article 60-3, paragraph (1) or 2, Article 61, Article 67, paragraph (1) or paragraphs (5) through (7) or Article 68, paragraph (1) or (2), those provisions shall not apply notwithstanding the provisions of Article 3, paragraph (3), items (iii) and (iv).

(2) If, in a building not subject to the provisions referred to in Article 20 or Article 35 (limited to parts of the technical standards of that Article specified by Cabinet Order; same shall apply below in this paragraph and in Article 87 paragraph (4)) pursuant to the provisions of Article 3, paragraph (2), addition, etc. of two or parts specified by Cabinet Order as parts that can be regarded as separate buildings even when they are a single building under the application of the standards provided by Article 20 or Article 35 (below in this paragraph, called "independent parts") is undertaken, notwithstanding the provisions of Article 3, paragraph (3), items (iii) and (iv), these provisions shall not apply to

- independent parts other than independent parts concerning the addition, etc.
- (3) In the case of the addition etc. of a building not covered by the provisions referred to in Article 28, Article 28-2 (limited to parts of criteria set forth in each item of that Article specified by Cabinet Order) Articles 29 through 32, Article 34, paragraph (1), Article 35-3 or Article 36 (excluding parts related to the locations and construction of fire walls, fire floors, fire separations, fire extinguishing equipment, and lightning conductors) pursuant to the provisions of Article 3, paragraph (2), notwithstanding the provisions of Article 3, paragraph (3), items (iii) and (iv), these provisions shall not apply to parts other than parts concerning the relevant addition etc.
- (4) In the case of a building to which the provisions referred to in building standard laws and regulations do not apply pursuant to the provisions of Article 3, paragraph (2), the provisions of building standard laws and regulations shall not apply to the relocation of a building within the scope specified by Cabinet Order, notwithstanding the provisions of paragraph (3), items (iii) and (iv) of that Article.

(Relaxation of Restrictions in the Case of Work Performed Divided into Two or More Works including addition on an Existing Single Building)

- Article 86-8 (1) In a case where work including addition, etc. is performed divided into two or more works on a building not subject to provisions referred to in this Act, or orders or ordinances based thereon pursuant to the provisions of Article 3, paragraph (2), when the provisions of that paragraph and of paragraph (3) of that Article are applied after the Designated Administrative Agency has concluded that the overall plan for the relevant two or more works complies with the following criteria, the words "among construction, repair, or remodeling work" in paragraph (2) of that Article shall be reread as "within the two or more works or between these works in the overall plans that have received approval under Article 86-8, paragraph (1)" and "shall not apply" in paragraph (3) of that Article shall be reread as "shall not apply, Provided, however, that this shall not apply until the final work among the two or more works in the overall plan approved under Article 86-8, paragraph (1) in a case covered by item (iii) or (iv) is begun" and "work" in item (iii) of that paragraph shall be reread as "initial work", and "addition, rebuilding, relocation, large scale repair and large scale remodeling", shall be reread as "two or more works in the overall plan approved under Article 86-8, paragraph (1)".
- (i) performing works including addition, etc. of a single building divided into two or more works shall be unavoidable considering the way the building is used and other circumstances;
- (ii) after all works relating the overall plan have been completed, the building and the site of the building related to the relevant overall plan shall comply

- with the provisions of building standard laws and regulations;
- (iii) when all the works in the overall plan have been completed, the building and the building site in the relevant overall plan shall not obstruct traffic, be detrimental to safety, fire safety, safe evacuation, and sanitation, nor shall they increase the risk to the urban environment.
- (2) Procedures for requesting the approval in the preceding paragraph and other items necessary for the relevant approval shall be specified by the Ministry of Land, Infrastructure, Transport and Tourism.
 - (3) When a building owner that has obtained approval for work in an overall plan in paragraph (1) (below in this Article "approved building owner"), intends to revise the relevant approved overall plan (excluding minor revision specified by Ministry of Land, Infrastructure, Transport and Tourism Order) the relevant building owner must obtain approval of the Designated Administrative Agency. The provisions of the proceeding two paragraphs shall apply mutatis mutandis to this case.
 - (4) The Designated Administrative Agency may request that the approved building owner submit a report on the state of the work in the overall plan that has received the approval in paragraph (1) (when a revision under the preceding paragraph has been obtained, after this revision; the same shall apply in the next paragraph).
 - (5) If the Designated Administrative Agency finds that the approved building owner has not performed the work in conformity with the overall plan that has received the approval in paragraph (1), it may order the relevant approved building owner to take measures necessary to improve the work within a suitable period of grace.
 - (6) The Designated Administrative Agency shall, when the approved building owner has failed to obey the order in the preceding paragraph, be able to cancel the approval under paragraph (1) or (3).

(Application of the Provisions referred to in Article 3 to the Reduction of Building Site Area based on Execution of a Public Project)

Article 86-9 (1) The provisions of Article 3, paragraphs (2) and (3) (excluding items (i) and (ii)) shall apply mutatis mutandis, in a case where, when the following project is executed, an existing building or its building site, or a building or its building site that is already being rebuilt, being repaired, or being remodeled no longer complies with the provisions of this Act, or orders or ordinances based thereon, or a part of these relevant building no longer complies with these provisions, because of the reduction in site area of the building as a result of the execution of the project. In this case, the words, "enforcement or application of the provisions referred to in this Act, or orders or ordinances based thereon" in item (iii) of that paragraph shall be reread as,

"reduction in site area of a building as a result of the execution of a project set forth in each item in Article 86-9, paragraph (1)."

(i) projects related to those set forth in each item of Article 3 of the

Expropriation of Land Act, City Planning Projects that can expropriate or occupy lands pursuant to the provisions of the City Planning Act, or Related Projects under the provisions of Article 16 of the Expropriation of Land Act concerning these projects;

(ii) other projects similar to projects in the preceding item that are specified by Cabinet Order.

(2) The provisions of Article 53-2, paragraph (3) (including cases where it is applied mutatis mutandis in Article 57-5, paragraph (3), Article 67, paragraph (4), and Article 68, paragraph (4)); the same shall apply below in this paragraph) shall apply mutatis mutandis to land, if the land already used as the site of a building, because of reduction in site area of a building as a result of execution of a project, no longer complies with the provisions of Article 53-2, paragraph (1) (including cases where it applies mutatis mutandis in Article 57-5, paragraph (3)), Article 67, paragraph (3) or Article 68, paragraph (3), or in cases where the land no longer complies with these provisions if it is used as the site of a building under ownership rights or other rights existing at the time of the execution of the relevant project. In this case, the term "provisions of that paragraph" in Article 53-2, paragraph (3) shall be replaced with "provisions of paragraph (1), Article 67, paragraph (3) or Article 68, paragraph (3)"; and the words, "when the minimum site area of a building in city planning in paragraph (1) has been revised" in item (i) of that paragraph shall be replaced with "even if the relevant site area is reduced when the area has been reduced by the execution of a project set forth in each item of Article 86-9, paragraph (1)"; and the term "proceeding restriction" shall be replaced with "restriction"; and the term "paragraph (1)" in item (ii) of that paragraph shall be replaced with "paragraph (1) (including cases where it is applied mutatis mutandis in Article 57-5, paragraph (3)) Article 67-3, paragraph (3) or Article 68, paragraph (3)"; and the words "that paragraph" shall be replaced with "these paragraphs".

(Mutatis Mutandis Application of This Act to Alteration of Use)

Article 87 (1) When the use of a building is altered as to special building as mentioned in Article 6, paragraph (1), item (i) (excluding cases where the relevant alteration of use is between similar uses as designated by Cabinet Order), the provisions of that Article (excluding paragraph (3), (5), and (6)), Article 6-2 (excluding paragraph (3)), Article 6-4 (limited to parts concerning buildings in paragraph (1), items (i) and (ii)), Article 7, paragraph (1), and Article 18, paragraphs (1) through (3) and paragraphs (14) through (16) shall

apply mutatis mutandis. In this case, the term "must apply for an inspection by the building official" in Article 7, paragraph (1) shall be replaced with "must submit a notice to the building official."

- (2) When the use of a building (excluding buildings as specified in the following paragraph) is altered, the provisions of Article 48, paragraphs (1) through (13), Article 51, Article 60-2, paragraph (3) and Article 68-3, paragraph (7) and the provisions of ordinances based on the provisions of Article 39, paragraph (2), Article 40, Article 43, paragraph (3), Article 43-2, Article 49 through Article 50, Article 60-2-2, paragraph (4), Article 60-3, paragraph (3), Article 68-2, paragraphs (1) and (5), and Article 68-9, paragraph (1) shall apply mutatis mutandis.
- (3) If the use of a building is altered as to those buildings which, pursuant to the provisions of Article 3, paragraph (2), are not subject to the provisions of Article 27, Article 28, paragraph (1) or 3, Article 29, Article 30, Articles 35 through 35-3, parts of Article 36 which pertain to Article 28, paragraph (1) or Article 35, Article 48, paragraphs (1) through (13) or Article 51, or not subject to the provisions of ordinances based on the provisions (referred to in paragraph (1) of the following Article as "Provision of Article 27, etc.") of Article 39, paragraph (2), Article 40, Article 43, paragraph (3), Article 43-2, Articles 49 through 50, Article 68-2, paragraph (1) or Article 68-9, paragraph (1), those provisions shall apply mutatis mutandis except in cases coming under any of the following items:
 - (i) where addition, rebuilding, major repair or major remodeling is executed;
 - (ii) where the alteration of use is between similar uses as designated by Cabinet Order and not requiring any repair or remodeling of the building concerned or not requiring any major repair or remodeling thereof;
 - (iii) where the alteration of use is within the scope specified by Cabinet Order, with respect to the application of the provisions of Article 48, paragraphs (1) through (13).
- (4) The provisions of Article 86-7, paragraph (2) (limited to parts concerning Article 35) and Article 86-7, paragraph (3) (limited to parts concerning Article 28, paragraph (1) or (3), Article 29, Article 30, Article 35-3 or Article 36 (limited to parts concerning the natural lighted area of habitable rooms; same shall apply below in this paragraph)) shall apply mutatis mutandis to cases of the change in use of a building not subject to the provisions referred to in Article 28, paragraph (1) or (3), Article 29, Article 30, Article 35, Article 35-3 or Article 36 pursuant to the provisions of Article 3, paragraph (2). In this case, the term "addition etc." in Article 86-7, paragraphs (2) and (3) shall be replaced with "change in use"; and the term "Article 3, paragraph (3) items (iii) and (iv)" shall be replaced with "Article 87, paragraph (3)".

(Relaxation of restrictions if construction work associated with a change of use is performed by dividing the work into two or more works on a single existing building)

Article 87-2 (1) In the case where construction work associated with a change of designated use is performed by dividing the work into two or more works on a building to which the provisions referred to in Article 27, etc. do not apply pursuant to the provisions of Article 3, paragraph (2) (excluding cases that come under the cases specified in Article 86-8, paragraph (1)), concerning the application of the provisions referred to in Article 3, paragraphs (2) and (3) of the preceding Article when the Designated Administrative Agency has concluded that the overall plan for the relevant two or more works complies with the following criteria, the phrase of "under construction, repair or remodeling" in Article 3, paragraph (2) shall be read as "under construction of two or more works related to an overall plan that has been approved under Article 87-2, paragraph (1) or during these works", and the phrase "shall apply mutatis mutandis" in paragraph (3) of the preceding Article shall be read as "shall apply mutatis mutandis. Provided, however, this shall not apply until, of the two or more works related to the overall plan that has been approved under paragraph (1) of the next Article, the final work has begun":

- (i) performing construction work that is associated with a change of use for one building by dividing it into two or more works shall be unavoidable, considering circumstances such as the purpose for which the building is used;
 - (ii) after completion of all the construction works related to the overall plan, the buildings and building sites related to the relevant overall plan shall conform to the provisions of building standard laws and regulations;
 - (iii) even after completion of any of the construction works related to the overall plan, concerning the buildings and building sites related to the relevant overall plan, there shall be no increase in obstruction from the viewpoint of traffic, or in the danger from the viewpoint of safety, fire prevention or evacuation, and in the hazards from the viewpoint of sanitation and of the environmental conservation of the urban area.
- (2) The provisions of Article 86-8, paragraphs (2) through (6) shall apply mutatis mutandis to the approval under the preceding paragraph.

(Relaxation of restrictions if the use of a building is changed, and the building is used temporarily as a building for any other purpose)

Article 87-3 (1) In the case of a serious disaster, when using a building located in a serious disaster area, etc. after receiving approval to change its designated use to that of a building for disaster rescue (which means a house, hospital or any other building similar thereto that is used for disaster rescue by the State, a local government or the Japan Red Cross Society; the same shall apply in

paragraph (3) and Article 101, paragraph (1), item (xvi)) (limited to those for which the relevant change of use is started within one month from the date of occurrence of the relevant disaster), the provisions of building standard laws and regulations shall not apply to the relevant building for disaster rescue. Provided, however, this shall not apply to buildings located in Fire Prevention Districts in a serious disaster area, etc.

- (2) In the case of a disaster, when using a building after receiving approval to change its designated use to that of a building for the public interest (which means a school, assembly hall or any other building similar thereto that is put to a use that is necessary for the public interest; the same shall apply in the next paragraph and Article 101, paragraph (1), item (xvi)), the provisions of paragraphs (1) through (4) of Article 12, Article 21, Article 22, Article 26, Article 30, Paragraph (2) of Article 34, Article 35, Article 36 (limited to parts related to Article 21, Article 26, paragraph (2) of Article 34, and Article 35), Article 39, Article 40, and Chapter III, and paragraphs (1) and (2) of Article 87 shall not apply to the relevant building for the public interest.
- (3) A person who has changed the use of a building and used it as a building for disaster rescue as stated in paragraph (1) or a building for the public interest as stated in the preceding paragraph must obtain permission therefor from the Designated Administrative Agency before the date when the 3-month period is exceeded, when intending to continue to use the relevant building as a building for disaster rescue or a building for the public interest in excess of 3 months after completion of the relevant change of use. Provided, however, when an application for the relevant permission has been filed, if the application has not been processed before the date when the relevant period is exceeded, the person may use the relevant building continue to use building for disaster rescue or a building for the public interest until the relevant measures have been taken.
- (4) When that an application for permission in the preceding paragraph has been made, if the Designated Administrative Agency finds that the permission is not detrimental for safety, fire prevention, and sanitation, it may give relevant permission for a limited period of time within two years.
- (5) When the use of a building is changed to a playhouse, etc. (which means a playhouse, exhibition building, store or any other building similar thereto; the same applies hereinafter), if the Designated Administrative Agency finds that the relevant playhouse is not detrimental for safety, fire prevention, and sanitation, it may grant permission for use of the relevant building as the playhouse, etc. by specifying a period not exceeding 1 year (when using a building by changing its designated use to that of another building (which means a playhouse, shop or any other building similar thereto to be used in place of the relevant former building in order to execute the construction work

of a building during the period of the relevant work), a period deemed to be necessary by the Designated Administrative Agency from the viewpoint of execution of the relevant work, with respect to the relevant substitute building). In this case, the provisions of paragraphs (1) through (4) of Article 12, Article 21, Article 22, Article 24, Article 26, Article 27, paragraph (2) of Article 34, Article 35-2, Article 35-3, Chapter III, and paragraph (2) of Article 87 shall not apply.

- (6) When the use of a building is changed to a playhouse, etc. (which means a playhouse, etc. of which use in excess of one year is particularly necessary due to reasons such as providing it for use for meetings or competitions of an international scale; the same applies hereinafter), if the Designated Administrative Agency finds that the relevant playhouse is not detrimental for safety, fire prevention, a which means a playhouse, etc. of which use in excess of one year is particularly necessary due to reasons such as providing it for use for meetings or competitions of an international scale and sanitation, and is unavoidable for the public interest, it may grant permission for the use of the relevant building as a special playhouse, etc., notwithstanding the provisions of the preceding paragraph, by specifying a period that is deemed necessary for the use of the relevant special playhouse, etc. In this case, the provisions of the latter part of that paragraph shall apply *mutatis mutandis*.
- (7) The Designated Administrative Agency must obtain consent thereto from the Building Review Council in advance, when granting permission under the preceding paragraph.

(*Mutatis Mutandis Application to Building Equipment*)

Article 87-4 When elevatory system or other building equipment designated by Cabinet Order are installed in buildings set forth in Article 6, paragraph (1), items (i) through (iii); excluding the cases where confirmation under that paragraph or notice under Article 18, paragraph (2) (both includes the case of *mutatis mutandis* application in Article 87, paragraph (1)) is required; the provisions of Article 6 (excluding paragraph (3) and paragraphs (5) through (12)), Article 6-2 (excluding paragraphs (3) through (8)), Article 6-3 (limited to parts concerning buildings in paragraph (1), items (i) and (ii)), Articles 7 through 7-4, Article 7-5 (limited to parts concerning buildings in Article 6-3 paragraph (1), items (i) and (ii)), Article 7-6, Article 18 (excluding paragraphs (4) through (11) and paragraph (23)) and Articles 89 through 90-3 shall apply *mutatis mutandis*. In this case, the term "within thirty-five days from the day of receipt in the case of buildings as mentioned in items (i) through (iii) of that paragraph, or within seven days from the day of receipt in the case of buildings as mentioned in item (iv) of that paragraph" in Article 6, paragraph (4) shall be replaced with "within seven days from the day of receipt."

(Mutatis Mutandis Application to Structures)

- Article 88 (1) With respect to chimneys, advertisement towers, elevated water tanks, retaining walls and other structures similar thereto as designated by Cabinet Order and elevatory system, water chutes, aero-towers and other structures similar thereto as designated by Cabinet Order (referred to in this paragraph as "elevatory system, etc."), the provisions of Article 3, Article 6 (excluding paragraphs (3), (5) and (6); in paragraphs (1) and (4), limited to parts pertaining to buildings in paragraph (1), items (i) through (iii) as for elevatory system etc., and limited to parts pertaining to buildings in item (iv) of that paragraph as for other structures), Article 6-2 (excluding paragraph (3)), Article 6-4 (limited to parts concerning buildings in paragraph (1), items (i) and (ii)), Articles 7 through 7-4, Article 7-5 (limited to parts concerning buildings in Article 6-4, paragraph (1), items (i) and (ii)), Articles 8 through 11, Article 12, paragraph (5) (excluding item (iii)) and paragraphs (6) through (9), Article 13, Article 15-2, Article 18 (excluding paragraphs (4) through (13) and paragraph (24)), Article 20, Article 28-2 (limited to parts of standards set forth in each item of that Article concerning provisions specified by Cabinet Order) Article 32, Article 33, Article 34, paragraph (1), parts of Article 36 which pertain to Article 33 and Article 34, paragraph (1), Article 36 (limited to parts concerning lightening conductors and elevatory system), Article 37, Article 38, Article 40, Chapter III-2 (in the case of Article 68-20 paragraph (2), limited to parts concerning certified specific-type products other than buildings under that paragraph), Article 86-7, paragraph (1) (limited to parts concerning Article 28-2 (limited to parts concerning criteria specified by Cabinet Order Article 68-7 paragraph (1))). Article 86-7, paragraph (2) (limited to parts concerning Article 20), Article 86-7, paragraph (2) (limited to parts concerning Article 20), Article 86-7 paragraph (3) (limited to parts concerning Article 32, Article 34, paragraph (1) and Article 36 (limited to parts concerning elevatory system)) the preceding Article, the next Article, and Article 90 shall apply mutatis mutandis; with respect to elevatory system etc., the provisions of Article 7-6, Article 12, paragraphs (1) through (4), Article 12-2, Article 12-3, and Article 18, paragraph (24) shall apply mutatis mutandis. In this case, the term "the following criteria provided for in those items respectively according to classification of the building forest forth in each of the following items" in Article 20, paragraph (1) shall be replaced with, "technical criteria established by Cabinet Order."
- (2) With respect to manufacturing facilities, storage facilities, amusement facilities and other structures as designated by Cabinet Order, the provisions of Article 3, Article 6 (excluding paragraphs (3), (5), and (6); in paragraphs (1) and (4), limited to parts pertaining to buildings in paragraph (1), items (i)

through (iii)), Article 6-2 (excluding paragraphs 3), Article 7, Article 7-2, Articles 7-6 through 9-3, Article 11, Article 12, paragraph (5) (excluding item (iii)), and paragraphs (6) through (9), Article 13, Article 15-2, Article 18 (excluding paragraphs (4) through (13) and (19) through (23)), Articles 48 through 51, Article 60-2, paragraph (3), Article 60-2-2, paragraph (4), and Article 60-3, paragraph (3), Article 68-2, paragraphs (1) and (5), Article 68-3, paragraphs (6) through (9), Article 86-7, paragraph (1) (limited to parts which pertain to Article 48, paragraphs (1) through (13) and Article 51), Article 87, paragraph (2) (limited to parts which pertain to Article 48, paragraphs (1) through (13), to Articles 49 through 51, to Article 60-3, paragraph (3) and Article 68-2, paragraphs (1) and (5), Article 87, paragraph (3) (limited to parts which pertain to Article 48, paragraphs (1) through (13), Articles 49 through 51, and Article 68-2, paragraph (1)), the preceding Article, the next Article, Article 91, Article 92-2, and Article 93-2 shall apply mutatis mutandis. In these cases, the term "an aggregate of floor areas" in Article 6, paragraph (2) and in Appended Table 2 shall be replaced with "construction areas", and "site, structure, building equipment or use" in Article 68-2, paragraph (1) shall be replaced with "use."

- (3) The provisions of Article 3, Articles 8 through 11, Article 12 (excluding paragraph (5), item (iii)), Article 12-2, Article 12-3, Article 13, Article 15-2, and Article 18, paragraphs (1) and (25) shall apply mutatis mutandis to structures specified in Article 66.
- (4) The part of paragraph (1) which pertains to Articles 6 through 7-5, Article 18 (excluding paragraphs (1) and 25) and the next Article shall not apply to retaining walls for which permission is required under Article 8, paragraph (1) main text or Article 12, paragraph (1) of the Act on Regulation of Residential Land Development (Act No. 191 of 1961), Article 29, paragraph (1) or (2) or Article 35-2, paragraph (1) main text of the City Planning Act or Article 73, paragraph (1) or Article 78, paragraph (1) of the Act on Regional Development for Tsunami Disaster Prevention (Act No. 123 of 2011).

(Indication of Confirmation in the Construction Field)

Article 89 (1) The executor of construction work for construction, major repair or major remodeling under Article 6, paragraph (1) must indicate the names or trade names of the building owner, designer, executor of construction work and field manager concerned, and the fact that the relevant construction work has been confirmed under that paragraph, at an easily visible place in the construction field concerned in the form specified by Ministry of Land, Infrastructure, Transport and Tourism Order.

- (2) The executor of construction work for construction, major repair or major remodeling under Article 6, paragraph (1) must keep the

drawings/specifications for the relevant construction work in the construction field concerned.

(Prevention of Danger in the Construction Field)

- Article 90 (1) The executor of construction work for the construction, repair, remodeling or demolition of a building must take necessary measures for the prevention of that danger as may accompany the execution of the construction work concerned due to those reasons as the fall of groundwork, destruction of buildings or structures used for construction work, etc.
- (2) Technical criteria for the measures mentioned in the preceding paragraph shall be specified by Cabinet Order.
- (3) The provisions of Article 3, paragraphs (2) and (3), Article 9 (excluding paragraphs (13) and (14)), Article 9-2, Article 9-3 (excluding the parts of the provisions pertaining to the designer and the land and house agent), and Article 18, paragraphs (1) and 23 shall apply *mutatis mutandis* to the execution of construction work under paragraph (1).

(Measures for Special Buildings under Construction)

- Article 90-2 (1) The Designated Administrative Agency may order the building owner, owner, custodian, or occupant of the relevant building to prohibit or restrict the use thereof, or otherwise take measures necessary for safety, fire prevention, or evacuation, providing a reasonable grace period for those measures to be taken, in addition to cases under Article 9 or 10, when it is concluded that a building as specified in Article 6, paragraph (1), items (i) through (iii) being used during construction, repair, remodeling, or demolition is an extreme hazard from the viewpoint of safety, fire prevention, or evacuation.
- (2) The provisions of Article 9, paragraphs (2) through (9), and paragraphs (11) through (15) shall apply *mutatis mutandis* in cases as specified in the preceding paragraph.

(Submission of Plans concerning Measures for Safety during Construction)

- Article 90-3 If the building owners of buildings for use set forth in column (a), rows (1), (2) and (4) of Appended Table 1, and those to be built inside underground structures as specified by Cabinet Order use or let others use the relevant buildings while they are being constructed or while other construction work is executed on the evacuation facilities, etc. of the relevant buildings, they must prepare a safety, fire prevention and evacuation plan for the relevant buildings during the construction work concerned and submit it to the Designated Administrative Agency prior to the use of the relevant building, as specified by Ministry of Land, Infrastructure, Transport and Tourism Order.

(Measures for Building Sites Extending Outside Areas, Districts or Zones)

Article 91 If a building site extends outside an "area" (excluding areas in urban areas as specified in Article 22, paragraph (1); the same in this Article), "zone" (excluding Fire Prevention Districts and Quasi-fire Prevention Districts; the same in this Article) or "district" (excluding Height Control Districts; the same in this Article) which is subject to prohibition or restriction concerning the site, structure, building equipment or use of buildings under the provision of this Act (excluding the provisions of Article 52, Article 53, Articles 54 through 56-2, Article 57-2, Article 57-3, Article 67, paragraphs (1) and (2), and Appended Table 3; the same in this Article), the provisions of this Act or those of orders based thereon applicable to buildings in the "area", "zone" or "district" to which the majority of the site belongs shall apply to the entire building or site.

(Calculation of Area, Height and Number of Stories)

Article 92 Calculation methods of the site area, building area, total floor area, floor area and height of a building, the height of eaves, ceiling and floor of a building, number of stories of a building, and the construction area of a structure shall be specified by Cabinet Order.

(Requirements Governing Permission)

Article 92-2 Permission granted under this Act can be granted subject to requirements required to prevent the building or the building site from having a detrimental effect on traffic, safety, fire prevention, or sanitation, or any other requirements deemed necessary. In this case, these requirements shall not compel the person receiving the permission concerned to fulfill unreasonable obligations.

(Consent of Fire Inspector, etc. Relating to Permission or Confirmation)

Article 93 (1) When a Designated Administrative Agency, a building official, or a designated confirmation and inspection body gives permission or confirmation under this Act, it shall not give the relevant permission or confirmation unless it obtains consent from the fire inspector (in a municipality without a fire department, the head thereof; the same applies hereinafter) or the chief of the fire station having jurisdiction over the work execution district or the location of the building subject to that permission or confirmation. Provided, however, that this shall not apply if the buildings requiring confirmation are houses (excluding row houses, apartment houses, and other houses specified by Cabinet Order), located in areas other than Fire Prevention Districts or Quasi-fire Prevention Districts or when building official or the designated confirmation and inspection body performs a confirmation under Article 6,

paragraph (1) or Article 6-2, paragraph (1) as applied mutatis mutandis in Article 87-4.

- (2) When a plan for the building for which the consent of the fire chief or the fire station chief is requested as specified in the preceding paragraph is not in violation of the provisions of Acts or those of orders or ordinances based thereon concerning fire prevention in buildings (excluding provisions of building standard laws and regulations specified by Cabinet Order under Article 6, paragraph (1) as applied by replacing phrases therein pursuant to the provisions of that paragraph, if consent is requested for the construction of buildings set forth in Article 6-4, paragraph (1), item (i) or (ii), major repair, major remodeling, change of use of buildings, or the construction of buildings set forth in item (iii) of that paragraph, which are to be confirmed by a building official or by a designated confirmation and inspection body), the fire chief or the fire station chief concerned must give one's consent to the relevant plan for the building and notify the relevant Designated Administrative Agency, building official, or the designated confirmation and inspection body of the consent within three days from the day of request in cases coming under Article 6, paragraph (1), item (iv), and within seven days in other cases. In this case, if the fire chief or the fire station chief finds that there is a reason for not being able to consent, the fire chief or the fire station chief must notify the Designated Administrative Agency, the building official, or the designated confirmation and inspection body of the reason within that period.
- (3) The provision of Article 68-20, paragraph (1) (including cases where it applies mutatis mutandis in Article 68-22, paragraph (2)) shall apply mutatis mutandis to an examination performed by a fire inspector or the chief of a fire station requested under paragraph (1).
- (4) In those cases coming under the proviso of paragraph (1) as where a building official or a designated confirmation and inspection body has received an application for confirmation under Article 6, paragraph (1) (including cases where this paragraph applies mutatis mutandis in Article 87-4) or has received an application for confirmation under Article 6-2, paragraph (1) (including cases where this paragraph applies mutatis mutandis in Article 87-4), or a notice under Article 18, paragraph (2) (including cases where this paragraph applies mutatis mutandis in Article 87, paragraph (1) or Article 87-2), the building official or a designated confirmation and inspection body must notify the fire inspector or the chief of the fire station having jurisdiction over the work execution district or the location of the building concerned as mentioned in the relevant application or notice, of that receipt without delay.
- (5) When a building official or the designated confirmation and inspection body has accepted an application for confirmation under Article 6, paragraph (1) (including cases where this paragraph applies mutatis mutandis in Article 87,

paragraph (1)), has received an application for confirmation under Article 6-2, paragraph (1) (including cases where this paragraph applies mutatis mutandis in Article 87, paragraph (1)) or a notice under Article 18, paragraph (2) (including cases where this paragraph applies mutatis mutandis in Article 87, paragraph (1)), in regard to a wastewater purifier as specified in Article 31, paragraph (2) or to a building regarded as a specified building under Article 2, paragraph (1) of the Act on Maintenance of Sanitation in Buildings (Act No. 20 of 1970), a building official or the designated confirmation and inspection body must notify the chief of the health center having jurisdiction over the work execution district or the location of the building concerned as mentioned in the relevant application or notice, of that receipt without delay.

- (6) The chief of the health center may give one's opinion to the Designated Administrative Agency, building official, or the designated confirmation and inspection body as to permission or confirmation under this Act, if the chief deems it necessary.

(Public Perusal of Documents)

Article 93-2 Designated Administrative Agency must made available for public perusal on request, the documents concerning confirmations and other actions under the building standard laws and regulations, and reports under Article 12, paragraphs (1) and (3), when that will not improperly infringe on the rights and interests of owners, custodians, or occupants of the building or building site related to the relevant actions and reports, or of third parties, specified by Ministry of Land, Infrastructure, Transport and Tourism Order.

(Entrustment to Ministry of Land, Infrastructure, Transport and Tourism Order)

Article 93-3 In addition to the provisions of this Act, procedures of permission and other actions and other necessary items for the execution of this Act shall be specified by Ministry of Land, Infrastructure, Transport and Tourism Order.

(Filing of Complaints)

Article 94 (1) Demands for investigations under the provisions of Article 4, item (i) of the Administrative Appeal Act, concerning actions performed or omitted by a Designated Administrative Agency, building official, building surveillant, prefectural governor, designated confirmation and inspection body, or designated structural calculation conformity review body under the building standard laws and regulations shall be submitted to the Building Review Council of the relevant city, town, village, or prefecture in the case of actions taken or omitted by a Designated Administrative Agency, building official, building surveillant, or prefectural governor, to the Building Review Council of

the city, town, village, or prefecture where the building official with the authority to carry out confirmations under Article 6, paragraph (1) (including cases in which the provisions of Article 87, paragraph (1), Article 87-4, or Article 88, paragraph (1) or (2) are applied *mutatis mutandis*) is located in the case of actions performed or omitted by a designated confirmation and inspection body, and to the Building Review Council of the prefecture governed by the governor that allowed the relevant designated confirmation and inspection body to perform structural calculation conformity reviews pursuant to the provisions of Article 18-2, paragraph (1) in the case of a designated structural calculation conformity review body. In those cases, demands for the investigation of actions omitted can be submitted to the head of the municipality concerned or the prefectural governor, instead of the Building Review Council, in the case of an action omitted by a Designated Administrative Agency, building official, building surveillant, or prefectural governor, to the designated confirmation and inspection body concerned in the case of an action omitted by a designated confirmation and inspection body, and to the designated structural calculation conformity review body concerned in the case of an action omitted by a designated structural calculation conformity review body.

- (2) When the Building Review Council has received an investigation demand under the first part of the preceding paragraph, it must render its ruling within one month from the date on which the investigation demand was filed (if an order for the rectification of a deficiency has been issued pursuant to the provisions of Article 23 of the Administrative Appeal Act), from the date on which that deficiency was rectified).
- (3) Except when it has decided to reject an investigation demand pursuant to the provisions of Article 24 of the Administrative Appeal Act, the Building Review Council shall, when determining its ruling, first hold a public oral inquiry at which it must seek the presence of the person demanding the investigation, the Designated Administrative Agency, the building official, the building surveillant, prefectural governor, the designated confirmation and inspection body, the designated structural calculation conformity review body, or any other person concerned, or the agent thereof.
- (4) The provisions of Article 31 of the Administrative Appeal Act shall not be applied to investigation demands under the first part of paragraph (1). The provisions of paragraphs (2) through (5) of that Act as replaced pursuant to the provisions of Article 9, paragraph (3) of that Act shall be applied to oral hearings in the preceding paragraph, *mutatis mutandis*.

Article 95 Any person aggrieved by the ruling of the Building Review Council may make an appeal against the ruling to the Minister of Land, Infrastructure,

Transport and Tourism.

Article 96 Deleted

(Assignment of Authority)

Article 97 It shall be possible to assign part of the authority of the Minister of Land, Infrastructure, Transport and Tourism provided for in this Act to the Director-General of a Regional Development Bureau or to the Director-General of the Hokkaido Bureau as specified by Ministry of Land, Infrastructure, Transport and Tourism Order.

(Special Rules regarding Building Officials of Municipality)

Article 97-2 (1) Any city other than cities as specified in Article 4, paragraph (1), or town or village may appoint building officials under the direction and supervision of the head of the relevant municipality in order to have them take charge of the affairs which are specified by Cabinet Order from among those considered to be under the authority of building officials in this Act, in addition to following the provisions of paragraph (2) of that Article. In this case, the provisions applicable to building officials in this Act shall apply to those building officials appointed by the relevant municipality.

(2) The provisions of Article 4, paragraphs (3) and (4) shall apply *mutatis mutandis* when a municipality as mentioned in the preceding paragraph appoints building officials pursuant to the provisions of that paragraph.

(3) A municipality appointing building officials pursuant to the provisions of paragraph (1) shall, insofar as the affairs to be executed by building officials pursuant to the provisions of that paragraph are concerned, be considered to be a municipality having building officials as specified in Article 4, paragraph (5) in applying the provisions of this Act. In this case, "appoint" in Article 78, paragraph (1) shall read "can appoint".

(4) Affairs which are specified by Cabinet Order from among those under the authority of, that functions as the Designated Administrative Agency the prefectural governor under this Act, shall be executed by the head of a municipality appointing building officials pursuant to the provisions of paragraph (1), as specified by Cabinet Order. In this case, provisions applicable to the prefectural governor, that functions as the Designated Administrative Agency under this Act, shall apply to the mayor of the relevant municipality as the provisions applicable to the head of the relevant municipality.

(5) Investigation demands concerning actions taken or omitted under the building standard laws and regulations by the Designated Administrative Agency as the head of a municipality appointing building officials pursuant to the provisions of paragraph (1) and , by building officials in that paragraph, or

by a building surveillant so ordered by the relevant Designated Administrative Agency shall be submitted to the Building Review Council of the prefecture where the relevant municipality is located, when a Building Review Council is not established therein. Investigation demands concerning actions omitted can be submitted to the head of the municipality concerned, instead of the Building Review Council.

(Special Rules regarding Special Wards)

- Article 97-3 (1) A special ward may appoint building officials under the direction and supervision of the head of the special ward, in order to have them take charge of the affairs which are specified by Cabinet Order from among those considered to be under the authority of building officials in this Act, in addition to following the provisions of Article 4, paragraph (2). In this case, the provisions applicable to building officials in this Act shall apply to those building officials appointed by the special ward.
- (2) The provisions of the preceding paragraph shall not preclude the Metropolis from appointing building officials under the direction and supervision of the metropolitan governor, in order to have them take charge of the affairs in the area of a special ward not under to the authority of building officials appointed by the special ward.
- (3) Affairs which are specified by Cabinet Order from among those under the authority of the prefectural governor that functions as the Designated Administrative Agency under this Act shall be conducted by the head of the special ward as specified by Cabinet Order. In this case, the provisions applicable to the prefectural governor that functions as the Designated Administrative Agency under this Act shall apply to the head of the special ward as the provisions applicable to the head of the special ward.
- (4) If it is intended to appoint a building official in a special ward pursuant to the provisions of Article 4, paragraph (2), "shall engage in prior consultation" in Article 4, paragraph (3) will be read as "shall engage in prior consultation and obtain consent" and "based on consultation" in Article 4, paragraph (4) as "if consent is obtained" when applying the provisions of Article 4, paragraphs (3) and (4).

(Fee)

- Article 97-4 (1) A person applying for the following actions by the Minister of Land, Infrastructure, Transport and Tourism must pay to the national government a fee specified by Ministry of Land, Infrastructure, Transport and Tourism Order based on the actual expenses, as specified by Ministry of Land, Infrastructure, Transport and Tourism Order:
- (i) approval of construction methods, etc.;

- (ii) approval of special construction methods;
 - (iii) type-approval;
 - (iv) certification under Article 68-11, paragraph (1) or its renewal;
 - (v) certification under Article 68-22, paragraph (1) or its renewal.
- (2) A person applying for actions by a designated approval body, recognized approval body, designated performance evaluation body, or recognized performance evaluation body set forth in items (iii) through (v) of the preceding paragraph must pay a fee specified by Ministry of Land, Infrastructure, Transport and Tourism Order based on the actual expenses to the relevant body, as specified by Ministry of Land, Infrastructure, Transport and Tourism Order.
- (3) The fee paid to the designated approval body, recognized approval body, designated performance evaluation body, or recognized performance evaluation body pursuant to the provisions of the preceding paragraph shall be proceeds of the relevant body.

(Apportionment of Duties)

- Article 97-5 (1) Duties performed by the prefectures pursuant to the provisions of Article 15, paragraph (4), Article 16 and Article 77-63, and duties performed by municipalities pursuant to the provisions of Article 15, paragraphs (1) through (3) shall be item (i) legally commissioned duties provided by Article 2, paragraph (9), item (i) of the Local Autonomy Act (Act No. 67 of 1947).
- (2) Duties that are performed by municipalities (limited to municipalities without a building official) pursuant to the provisions of Article 70, paragraph (4) (including cases where it is applied mutatis mutandis in Article 74, paragraph (2) (including cases where it is applied mutatis mutandis in Article 76-3, paragraph (6); the same in this paragraph) and in Article 76-3, paragraph (4)), Article 71 (including cases where it applies mutatis mutandis in Article 74, paragraph (2) and in Article 76-3, paragraph (4)), Article 72 (including cases where excluding parts concerning the duty to append opinions to a written building agreement pursuant to paragraph (2) of this Article, it is applied mutatis mutandis in Article 74, paragraph (2) and Article 76-3, paragraph (4)) and Article 73, paragraph (3) (including cases where it is applied mutatis mutandis in Article 74, paragraph (2), Article 75-2, paragraph (4) and Article 76-3, paragraph (4)) shall be item (ii) legally commissioned duties specified in Article 2, paragraph (9), item (ii) of the Local Autonomy Act.

(Transitional Measures)

- Article 97-6 In enacting, amending or abolishing an order under this Act, that order may provide for certain transitional measures (including transitional measures concerning) penal provisions) within the limits considered reasonably

necessary for that enactment, amendment or abolition.

Chapter VII Penal Provisions

Article 98 (1) Any person who comes under any of the following items shall be penalized with imprisonment with forced labor for not more than three years or a fine of not more than three million yen:

- (i) a person who has violated an order issued by a Designated Administrative Agency or a building surveillant under Article 9, paragraph (1) or first part of paragraph (10) (including cases where these provisions apply *mutatis mutandis* in Article 88, paragraphs (1) through (3) or Article 90, paragraph (3));
- (ii) the designer of the relevant building or building equipment in the case of a violation of the provisions of Article 20 (limited to parts relating to items (i) through (iii)), Article 21, Article 26, Article 27, Article 35, or Article 35-2 (the person who delivered building materials or parts that were partially or completely different from the approved building materials, etc., stated in the drawing/specifications (building materials or parts a type covered by a type-approval, or building parts made using a construction method covered by the approval of a construction method, etc., or building parts made using a special construction method covered by the approval of a special construction method, etc., or special construction materials; the same applies hereinafter) as part or all of the approved building materials, etc., or the construction executor for the building or building equipment if the relevant building or building equipment were not built in accordance with the drawing/specifications (in cases in which building materials or parts that differed from the approved building materials, etc., in the drawing/specifications were delivered, excluding cases in which construction work was carried out using the relevant building materials or parts);
- (iii) the designer of the relevant building in the case of a violation of the provisions of Cabinet Order under the provisions of Article 36 (limited to parts related to the installation and construction of fire walls, fire floors and fire compartment) (if building materials, etc., were delivered and all or part thereof were different from the approved building materials, etc., stated in the drawing/specifications, the person who delivered the relevant building materials or building parts, or if construction work was executed without using the drawing/specifications (if building materials and a part of the building that are different from the approved building materials, etc. stated in the drawing/specifications has been delivered, excluding when construction work was carried out using the relevant building materials or a part of the building) the construction executor of the relevant building);

- (iv) the owner, custodian, or occupant of the relevant building in the case of violation of the provisions of Article 27, Article 35 or Article 35-2 applied mutatis mutandis in Article 87, paragraph (3);
 - (v) the owner, custodian, or occupant of the relevant building in the case of violation of the provisions of Cabinet Order under the provisions of Article 36 applied mutatis mutandis in Article 87, paragraph (3) (limited to parts related to technical criteria necessary for safety and fire protection in order to enforce or to supplement the provisions of Article 35 concerning the installation and construction of fire walls, fire floors and fire compartment).
- (2) When a violation of the provisions of item (ii) or (iii) of the preceding paragraph is a violation that has been made purposely by the owner or the installer of the building equipment, in addition to the penalization of the relevant designer or contractor, the relevant owner or installer of the building equipment shall be punished under that paragraph.

Article 99 (1) Any person coming under any of the following items shall be punished with imprisonment with forced labor for not more than one year, or a fine of not more than one million yen:

- (i) a person who has violated the provisions of Article 6, paragraph (1) (including cases where it is applied mutatis mutandis in Article 87, paragraph (1), Article 87-4 or Article 88, paragraph (1) or paragraph (2)), Article 7-6, paragraph (1) (including cases where it is applied mutatis mutandis in Article 87-2 or Article 88, paragraph (2)) or Article 68-19, paragraph (2) (including cases where it is applied mutatis mutandis in Article 88, paragraph (1));
- (ii) the executor of construction work of the relevant building, structures or building equipment in the case of a violation under the provisions of Article 6, paragraph (8) (including cases where it is applied mutatis mutandis in Article 87-4, or Article 88, paragraph (1) or paragraph (2)) or Article 7-3, paragraph (6) (including cases where it is applied mutatis mutandis in Article 87-2, or Article 88, paragraph (1));
- (iii) a person who has not made an application or who has submitted a false application under the provisions of Article 7, paragraph (1) (including cases where it is applied mutatis mutandis in Article 87-4, or Article 88, paragraph (1) or paragraph (2)) or Article 7-3, paragraph (1) (including cases where it is applied mutatis mutandis in Article 87-2, or Article 88, paragraph (1)) within the time period under Article 7, paragraph (2) or (3) (including cases where these provisions are applied mutatis mutandis in Article 87-2, or Article 88, paragraph (1) or (2)) or Article 7-3, paragraph (2) or (3) (including cases where these provisions are applied mutatis mutandis in Article 87-2, or Article 88, paragraph (1));

- (iv) a person who has violated an order of the Designated Administrative Agency or building surveillant under the provisions of the latter part of Article 9, paragraph (10) (including cases where it is applied mutatis mutandis in Article 88, paragraphs (1) through (3) or in Article 90, paragraph (3)), Article 10, paragraph (2) or paragraph (3) (including cases where these provisions are applied mutatis mutandis in Article 88, paragraph (1) or (3)) and Article 11, paragraph (1) (including cases where it is applied mutatis mutandis in Article 88, paragraphs (1) through (3)), or Article 90-2, paragraph (1);
- (v) a person who has failed to report or as made a false report under Article 12, paragraph (5) (limited to parts relating to item (i)) or Article 15-2, paragraph (1) (including cases in which these provisions are applied to Article 88, paragraphs (1) through (3), mutatis mutandis);
- (vi) a person who has failed to submit objects or has submitted false objects under Article 12, paragraph (6) or Article 15-2, paragraph (1) (including cases in which these provisions are applied to Article 88, paragraphs (1) through (3), mutatis mutandis);
- (vii) a person who has refused, prevented, or evaded inspections or testing under Article 12, paragraph (7) or Article 15-2, paragraph (1) (including cases in which these provisions are applied to Article 88, paragraphs (1) through (3), mutatis mutandis), or who has failed to respond to questions or provide false responses;
- (viii) a person who has designed the relevant building, structure, or building equipment in violation of Article 20 (limited to parts relating to paragraph (1), item (iv)), Article 22, paragraph (1), Article 23, Article 25, Article 28, paragraph (3), Article 28-2 (including cases in which it is applied mutatis mutandis to Article 88, paragraph (1)), Article 32 (including cases in which it is applied mutatis mutandis to Article 88, paragraph (1)), Article 33 (including cases in which it is applied mutatis mutandis to Article 88, paragraph (1)), Article 34, paragraph (1) (including cases in which it is applied mutatis mutandis to Article 88 paragraph (1)), Article 34, paragraph (2), Article 35-3, Article 37 (including cases in which it is applied mutatis mutandis to Article 88 paragraph (1)), Article 61, Article 62, Article 64, Article 67, paragraph (1), or the provisions of Article 20 applied mutatis mutandis to Article 88, paragraph (1) (if building materials, etc., were delivered as all or part of approved building materials stated in the drawing/specifications but were partially or completely different from the relevant approved building materials, etc., the person who delivered the relevant building materials, etc., or the construction executor for the relevant building or building equipment if building work was performed without using the drawing/specifications or without complying with the

- drawing/specifications (except in cases in which building materials, etc., were delivered that were partially or completely different from the relevant approved building materials, etc., stated in the drawing/specifications and construction work was performed using the relevant building materials or parts);
- (ix) a person who designed a building, structure, or building equipment in violation of Article 36 (limited to parts relating to the installation and construction of fire extinguishing equipment, lightning conductors, water supply and drainage, and other piping equipment; and to the construction of chimneys and elevatory systems; including cases in which Article 36 is applied mutatis mutandis in Article 88, paragraph (1)) (if building materials, etc., were delivered as all or part of approved building materials stated in the drawing/specifications but were partially or completely different from the relevant approved building materials, etc., the person who delivered the relevant building materials, etc., or the construction executor for the relevant building or building equipment if building work was performed without using the drawing/specifications or without complying with the drawing/specifications (except in cases in which building materials, etc., were delivered that were partially or completely different from the relevant approved building materials, etc., stated in the drawing/specifications and construction work was performed using the relevant building materials or parts);
 - (x) a person who has revealed confidential information learned concerning that person's work in violation of the provisions of Article 77-8, paragraph (1) (including cases in which it applies mutatis mutandis to Article 77-17-2, paragraph (2));
 - (xi) a person who has leaked questions in a qualification examination for qualified building regulation conformity inspectors or structural calculation conformity reviewers in advance or who has scored examination papers unfairly in violation of the provisions of Article 77-8, paragraph (2) (including cases in which it applies mutatis mutandis to Article 77-17-2, paragraph (2)). mutandis to Article 77-17-2, paragraph (2));
 - (xii) a person who has revealed confidential information learned concerning that person's work or has used that confidential information for that person's own benefit in violation of the provisions of Article 77-25, paragraph (1), Article 77-35-10, paragraph (1), or Article 77-35-8, paragraph (1) or Article 77-43, paragraph (1) (including cases where it applies mutatis mutandis in Article 77-56, paragraph (2));
 - (xiii) a person who has violated an order to suspend the confirmation and inspection work under Article 77-35, paragraph (2);
 - (xiv) a person who has performed confirmation and inspection work or

- structural calculation conformity review work in violation of a prohibition under Article 77-62, paragraph (2) (including cases in which it applies to the Article 77-66, paragraph (2) mutatis mutandis);
- (xv) the owner, custodian, or occupant of the relevant building in case of a violation of the provisions of Article 28, paragraph (3), or Article 35-3 applied mutatis mutandis in Article 87, paragraph (3);
- (xvi) the owner, custodian, or occupant of the relevant building in the case of a violation of provisions of Cabinet Order under the provisions of Article 36 applied mutatis mutandis in Article 87, paragraph (3) (limited to parts related to technical standards necessary for safety and fire protection in order to enforce or to supplement the provisions of Article 35 concerning the installation and construction of fire extinguishing equipment).
- (2) When a violation of the provisions of item (viii) or (ix) of the preceding paragraph is a violation that has been made purposely by the building owner, structure owner, or installer of the building equipment, in addition to the penalization of the relevant designer or executor of construction work, the relevant building owner, structure owner, or installer of the building equipment shall be penalized under that paragraph.

Article 100 If an order under Article 77-15, Article 2 (including cases in which it is applied mutatis mutandis to Article 77-17 paragraph (2), item (ii)), Article 77-35-19, paragraph (2) or Article 77-51, paragraph (2) (including cases in which it is applied mutatis mutandis to Article 77-56, paragraph (2)) to suspend the qualifying examination affairs for building regulation conformity inspectors or structural calculation conformity reviewers, structural calculation conformity review work, approvals, etc., or performance assessment work is violated, a penalty of imprisonment with forced labor for not more than one year, or a fine of not more than one million yen shall be imposed on the officer or employee including a qualified building regulation conformity inspector or qualified structural calculation conformity reviewer) of the designated qualifying examination body for building regulation conformity inspectors or structural calculation conformity reviewers, or the employee (including a structural calculation conformity reviewer, approver, or assessor) of the designated structural calculation conformity review body, designated approval body, or designated performance evaluation body (or if any of these bodies are corporations, an officer thereof) (referred to in Article 104 as "officers, etc., of designated qualifying examination bodies for building regulation conformity inspectors or structural calculation conformity reviewers, etc.) that committed the relevant violation.

Article 101 (1) Any person coming under any of the following items shall be

punished with a fine not more than one million yen:

- (i) the executor of construction work on a building which is in violation of the provisions of Article 5-6, paragraphs (1) through (3) or paragraph (5);
- (ii) any person who has not issued a report or has issued a false report under the provisions of Article 12, paragraph (1) or (3) (including cases where these provisions apply mutatis mutandis in Article 88, paragraph (1) or paragraph (3)), or failed to report or has made a false report under Article 5 (limited to parts relating to item (ii), including cases in which it applies mutatis mutandis to Article 88, paragraphs (1) through (3));
- (iii) the designer (or the executor of construction work on a building, or building equipment if the construction work has been executed without using drawings/specifications or has been undertaken without conforming to the drawings/specifications concerned) of a building, structure or building equipment which is in violation of the provisions of Article 19, Article 28, paragraph (1) or (2), Article 31, Article 43, paragraph (1), Article 44, paragraph (1), Article 47, Article 52, paragraph (1), (2) or (7), Article 53, paragraph (1) or (2), Article 53-2, paragraph (1) (including cases where this Article applies mutatis mutandis in Article 57-5, paragraph (3)), Article 54, paragraph (1), Article 55, paragraph (1), Article 56, paragraph (1), Article 56-2, paragraph (1), Article 57-4, paragraph (1), Article 57-5, paragraph (1) Article 59, paragraph (1) or 2, Article 60, paragraph (1) or (2), Article 60-2, paragraph (1) or (2), Article 60-2-2, paragraphs (1) through (3), Article 60-3, paragraph (1), Article 67, paragraph (3) or paragraphs (5) through (7) or Article 68, paragraphs (1) through (3). The person who designed the relevant building or building equipment in violation of Article 19, Article 28, paragraph (1) or (2), Article 31, Article 43, paragraph (1), Article 44, paragraph (1), Article 47, Article 52, paragraph (1), (2) or (7) , Article 53, paragraph (1) or (2), Article 53-2, paragraph (1) (including cases where this Article applies mutatis mutandis to Article 57-5, paragraph (3)), Article 54, paragraph (1), Article 55, paragraph (1), Article 56, paragraph (1), Article 56-2, paragraph (1), Article 57-4, paragraph (1), Article 57-5, paragraph (1) Article 59, paragraph (1) or (2), Article 60, paragraph (1) or (2), Article 60-2, paragraph (1) or (2), Article 60-3, paragraph (1) or 2, Article 67-3, paragraph (3) or paragraphs (5) through (7) or Article 68, paragraphs (1) through (3) (if building materials, etc., were delivered as all or part of approved building materials stated in the drawing/specifications but were partially or completely different from the relevant approved building materials, etc., the person who delivered the relevant building materials, etc., or the construction executor for the relevant building or building equipment if building work was performed without using the drawing/specifications or without complying with the drawing/specifications (except in cases in which

- building materials, etc., were delivered that were partially or completely different from the relevant approved building materials, etc., stated in the drawing/specifications and construction work was performed using the relevant building materials or parts);
- (iv) the person who designed the relevant building in violation of the provisions of Cabinet Order based on the provisions of Article 36 (limited to parts concerning areas effective for natural lighting in habitable rooms, heights of ceilings and floors, methods of damp proofing floors, construction of stairways, installation and construction of toilets, and construction of wastewater purifier) (if building materials, etc., were delivered as all or part of approved building materials stated in the drawing/specifications but were partially or completely different from the relevant approved building materials, etc., the person who delivered the relevant building materials, etc., or the construction executor for the relevant building or building equipment if building work was performed without using the drawing/specifications or without complying with the drawing/specifications (except in cases in which building materials, etc., were delivered that were partially or completely different from the relevant approved building materials, etc., stated in the drawing/specifications and construction work was performed using the relevant building materials or parts);
 - (v) the building owner of a building or owner of a structure which is in violation of the provisions of Article 48, paragraphs (1) through (14) or Article 51 (including cases where these provisions apply mutatis mutandis in Article 88, paragraph (2));
 - (vi) the designer (or the executor of construction work if the construction work has been executed without using drawings/specifications or has been undertaken without conforming to the drawings/specifications concerned) of a building which is in violation of the restriction under Article 58;
 - (vii) a person who has failed to perform an inspection, failed to prepare an inspection record, has prepared a false inspection record, or who has failed to maintain an inspection record in violation of the provision of Article 68-18, paragraph (2) (including cases where it applies mutatis mutandis in Article 88, paragraph (1));
 - (viii) the building owner of a building which is in violation of the provisions of Article 85, paragraph (3);
 - (ix) the owner, custodian, or occupant of a temporary building for emergency use when the relevant building has been used in excess of the temporary period specified by the Designated Administrative Agency pursuant to the provisions of Article 85, paragraph (4);
 - (x) the owner, custodian, or occupant of a temporary playhouse, etc. when the relevant building has been used in excess of the temporary period specified

- by the Designated Administrative Agency pursuant to the provisions of Article 85, paragraph (5) or (6);
- (xi) the building owner of a building which is in violation of the restriction or prohibition under Article 84 paragraph (1);
 - (xii) the owner, custodian or occupant of a building which is in violation of the provisions of Article 28, paragraph (1), Article 48, paragraphs (1) through (13) or Article 51, which apply mutatis mutandis in Article 87, paragraph (2) or (3);
 - (xiii) the owner, custodian or occupant of a structure which is in violation of the provisions of Article 48, paragraphs (1) through (14) or Article 51 applied mutatis mutandis in Article 87, paragraph (2) or (3) applied mutatis mutandis in Article 88, paragraph (2);
 - (xiv) the owner, custodian or occupant of a building which is in violation of the provisions of Cabinet Order under the provisions of Article 36 applied mutatis mutandis in Article 87, paragraph (3) (limited to parts concerning technical criteria necessary for safety, fire protection, and sanitation in order to enforce or to supplement the provisions of Article 28, paragraph (1) or Article 35 concerning the area effective for natural lighting in habitable rooms, and the construction of stairways);
 - (xv) the owner, custodian, or occupant of the relevant building in the case of a violation of the provisions of Article 87-3, paragraph (3);
 - (xvi) the owner, custodian, or occupant of the relevant building when the relevant building has been used as a building for disaster rescue or a building for the public interest in excess of the temporary period specified by the Designated Administrative Agency pursuant to the provisions of Article 87-3, paragraph (4);
 - (xvii) the owner, custodian, or occupant of the relevant building when the relevant building has been used as the playhouse, etc. in excess of the temporary period specified by the Designated Administrative Agency pursuant to the provisions of Article 87-3, paragraph (5) or (6);
 - (xviii) a person who has violated the provisions of Article 90, paragraph (1) (including cases where they apply mutatis mutandis in Article 87-4 or Article 88, paragraph (1)).
- (2) If a violation as specified in item (iii), (iv) or (vi) of the preceding paragraph has been found and that violation has been made purposely by a building owner or person who has had building equipment installed, a penalty as specified in that paragraph shall be imposed on the relevant building owner or person who has had the building equipment installed in addition to any penalty imposed on the designer or executor of construction work concerned.

Article 102 A fine not exceeding one million yen shall be imposed on a

designated structural calculation conformity review body (if the body is a corporation, an officer thereof) or employee thereof (including a structural calculation conformity reviewer) that fails to report under Article 12, paragraph (5) (limited to parts relating to item (iii)) or makes a false report.

Article 103 Any person coming under any of the following items shall be punished with a fine of not more than five hundred thousand yen:

- (i) a person who has failed to submit reports or accompanying documents under Article 6-2, paragraph (5) (including cases where it applies mutatis mutandis in Article 87, paragraph (1), Article 87-4 or Article 88, paragraph (1) or (2)), Article 7-2, paragraph (6) (including cases where it applies mutatis mutandis in Article 87-4, Article 88, paragraph (1) or (2)) or Article 7-6, paragraph (3) (including cases where it applies mutatis mutandis to Article 87-2, or Article 88, paragraph (1) or (2) or who has submitted false reports or accompanying documents;
- (ii) a person who has failed to notify under Article 15, paragraph (1) or under Article 7, paragraph (1) that is applied mutatis mutandis by replacing phrases therein in Article 87, paragraph (1) or who has submitted a false notification;
- (iii) a person who has violated the provisions of Article 77-29, paragraph (2) or Article 89 (including cases where it applies mutatis mutandis in Article 87-4 or Article 88, paragraph (1) or (2));
- (iv) a person who has failed to submit a report under Article 77-31, paragraph (1) or Article 86-8, paragraph (4) (including cases where it applies mutatis mutandis in Article 87-2, paragraph (2)), or who has submitted a false report;
- (v) a person who has refused, obstructed, or evaded inspection or examination under Article 77-31, paragraph (1) or (2);
- (vi) a person who has refused to answer questions asked under Article 77-31, paragraph (1) or (2), or who has given false answers;
- (vii) a person who has failed to keep a book, has failed to record information, has recorded false information, or who has failed to maintain the book in violation of the provisions of Article 77-29, paragraph (1);
- (viii) a person who has abandoned all of the confirmation and inspection work without submitting the notification under Article 77-34, paragraph (1), or who has submitted a false notification.

Article 104 When any action in any of the following items has occurred, the executives, etc., of the examination body for qualified Building Regulation Conformity Inspectors, etc., etc., that committed this violation shall be punished by a fine of no more than five hundred thousand yen.

- (i) when a report has not been submitted under Article 77-13, paragraph (1)

- (including cases in which it is applied mutatis mutandis in Article 77-17-2, paragraph (2)), Article 77-35-17, paragraph (1), or Article 77-49, paragraph (1) (including cases in which it is applied mutatis mutandis in Article 77-56, paragraph (2)) or a false report has been submitted;
- (ii) when a ledger has not been provided, entries have not been made, false entries have made, or the ledger has not been retained in violation of Article 77-11 (including cases where it is applied mutatis mutandis in Article 77-17-2 paragraph (2)), Article 77-35-14, paragraph (1), or Article 77-47, paragraph (1) (including cases where it is applied mutatis mutandis in Article 77-56, paragraph (2));
- (iii) when an examination under Article 77-13, paragraph (1), (including cases where it is applied mutatis mutandis in Article 77-17-2, paragraph (2)), Article 77-35-17, paragraph (1), or Article 77-49, paragraph (1) (including cases where it is applied mutatis mutandis in Article 77-56, paragraph (2)) has been refused, obstructed or evaded, questions have not been answered, or questions have been answered falsely;
- (iv) when all qualification examination work for building regulation conformity inspectors or structural calculation conformity reviewers, structural calculation conformity review, approval, or performance evaluation work has been abandoned without authorization under Article 77-14, paragraph (1) (including cases where it is applied mutatis mutandis in Article 77-17-2, paragraph (2)), Article 77-35-18 paragraph (1), or Article 77-35-13, paragraph (1) or Article 77-50, paragraph (1) (including cases where it is applied mutatis mutandis in Article 77-56, paragraph (2));
- (v) when a violation of the provisions of Article 77-35-10, paragraph (2) or Article 77-47, paragraph (2) (including cases where it is applied mutatis mutandis in Article 77-56, paragraph (2)) has been committed.

Article 105 If the representative of a corporation, or agent, employee or other worker of a corporation or an individual, has committed an act in violation of any of the following provisions in connection with the business of the corporation or the individual, in addition to the punishment of that offender, corporation shall be punished by the fine prescribed in each of the relevant items, and the individual shall be punished by fine prescribed in each of those Articles.

- (i) article 98, paragraph (1), item (i) (limited to parts concerning a violation under Article 9, paragraph (1) or the first half of paragraph (10) (including cases where its provisions are applied mutatis mutandis in Article 90, paragraph (3)) that was issued concerning a special building etc. (building set forth in Article 6, paragraph (1), item (i) or other building specified by Cabinet Order as a building used by many people; the same hereafter in this

Article) or the building site of the relevant special building that violates the provisions of Article 19, paragraph (4), Article 20, Article 21, Article 22, paragraph (1), Article 23, Article 25 to Article 27, Article 28 paragraph (3), Article 28-2, Article 32 to Article 35-3, Article 36 (limited to parts concerning the installation and construction of fire walls, fire floors, fire compartment, fire extinguishing equipment, lightning conductors, water supply, drainage and other piping equipment, and the construction of chimneys and elevatory system), Article 37, Article 61, Article 62, Article 64 or Article 67, paragraph (1), paragraph (3), or paragraphs (5) through (7), Article 98 (excluding paragraph (1), item (i), and limited to parts concerning the special building etc.), and Article 99, paragraph (1), items (viii), (ix), (xv) and (xvi), and paragraph (2) (limited to parts related to special building etc.): a fine of no more than one hundred million yen:

- (ii) article 98 (excluding parts concerning the preceding item), Article 99, paragraph (1), items (i) through (vii), items (viii) and (ix) (excluding parts concerning special buildings etc.) item (xii) (limited to parts concerning Article 77-25, paragraph (1)), items (xiii), (xiv), (xv) and (xvi) (excluding parts related to special buildings etc.), and paragraph (2) (excluding parts related to special buildings etc.), Article 101, and Article 103: fine in each Article.

Article 106 (1) A person coming under any of the following items shall be penalized by a fine of no more than three hundred thousand yen:

- (i) a person who has violated under Article 12-2, paragraph (3) (including cases in which it applies mutatis mutandis in Article 12-3, paragraph (4) (including cases in which it applies mutatis mutandis in Article 88, paragraph (1)) or Article 88, paragraph (1));
 - (ii) a person who has failed to make a notification or has made a false notification under Article 68-16 or Article 68-17, paragraph (1) (including cases where these provisions are applied mutatis mutandis in Article 88, paragraph (1)) or Article 77-61 (including cases where these provisions are applied mutatis mutandis in Article 77-66, paragraph (2) except in item (iii));
 - (iii) a person who, in violation of the provisions of Article 77-29-2, has not prepared documents, not provided them for perusal in response to a request by a concerned person, or who has entered false entries in the documents or who has shown documents with false entries to a concerned person.
- (2) A designated structural calculation conformity review body (if the body is a corporation, an officer thereof) or an employee thereof that in violation of the provisions of Article 77-35-15 fails to provide documents or make them available for perusal at the request of a concerned person, or records falsified information in documents, or causes a concerned person to peruse documents

containing falsified information shall be penalized by fine not exceeding three hundred thousand yen.

Article 107 It shall be possible to establish provisions stipulating that a penalty of up to five hundred thousand yen be imposed on persons who contravene an ordinance based on the provisions of Article 39, paragraph (2), Article 40 or Article 43, paragraph (3) (including cases where these provisions apply mutatis mutandis in Article 87, paragraph (2)), Article 43-2 (including cases where these provisions apply mutates mutandis in Article 87, paragraph (2)), Article 49, paragraph (1) (including cases where it applies mutatis mutandis in Article 87, paragraph (2) or Article 88, paragraph (2)), Article 49-2, (including cases where it applies mutatis mutandis in Article 87, paragraph (2) or Article 88, paragraph (2)), Article 50 (including cases where it applies mutatis mutandis in Article 87, paragraph (2) or Article 88, paragraph (2)), Article 68-2, paragraph (1) (including cases where it applies mutatis mutandis in Article 87, paragraph (2) or Article 88, paragraph (2)), Article 68-9, paragraph (1) (including cases where it applies mutatis mutandis in Article 87, paragraph (2)) or Article 68-9, paragraph (2).

Appended Table 1 Special Buildings that must be Fire-resistive or Quasi Fire-resistive Buildings, etc. (Re: Article 6, Article 21, Article 27, Article 28, Articles 35 through 35-3 and Article 90-3)

	(a)	(b)	(c)	(d)
	Use	Floors for use as mentioned in (a)	Aggregate of floor areas of the parts for use as mentioned in (a) (limited to the seating space in the case of paragraph (1), to the second floor in the case of paragraphs (2) and (4), to the third or higher floors in the case of paragraph (5), and to facilities for the accommodation of patients in the case of hospitals and clinics)	Aggregate of floor areas of the parts for use as mentioned in (a)

(1)	Theaters, movie theaters, entertainment halls, grandstands, public halls, assembly halls, or others similar thereto as specified by Cabinet Order	Third or higher floors	200 sq m or more (in the case of open air stand 1,000 sq m or more)	
(2)	Hospitals, clinics (limited to those having patient accommodation facilities), hotels/inns, boarding houses, apartment houses, dormitories, or others similar thereto as specified by Cabinet Order	Third or higher floors	300 sq m or more	
(3)	Schools, gymnasias, or others similar thereto as specified by Cabinet Order	Third or higher floors	2,000 sq m or more	
(4)	Department stores, markets, exhibition halls, cabarets, cafes, night clubs, bars, dance halls, amusement halls, or others similar thereto as specified by Cabinet Order	Third or higher floors	500 sq m or more	
(5)	Warehouses or others similar thereto as specified by Cabinet Order		200 sq m or more	1,500 sq m or more

(6)	Automobile garages, automobile repair shops, or others similar thereto as specified by Cabinet Order	Third or higher floors		150 sq m or more
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Appended Table 2 Building Restrictions within Use Districts, etc. (Re: Article 27, Article 48 and Article 68-3)

(a)	Buildings that may be built in Category 1 Low-rise Exclusive Residential Districts	<ul style="list-style-type: none"> (i) Houses (ii) Houses which are concurrently used as business offices, stores, or others similar thereto as specified by Cabinet Order (iii) Apartment houses, dormitories, or boarding houses (iv) Schools (excluding universities, colleges of technology, special training colleges, and miscellaneous schools), libraries, or others similar thereto (v) Shrines, temples, churches, or others similar thereto (vi) Nursing homes for the elderly, day nurseries, welfare homes, or others similar thereto (vii) Public bathhouses (excluding those pertaining to businesses coming under Article 2, paragraph (6), item (i) of the Act on Control and Improvement of Amusement Business (Act No. 122 of 1948) (hereinafter referred to as "bathhouses with private rooms" in this table)) (viii) Clinics (ix) Police boxes, public telephone boxes, or other buildings necessary for the public interest as specified by Cabinet Order (x) Those annexed to buildings coming under any of the preceding items (excluding those specified by Cabinet Order)
(b)	Buildings that may be built in Category 2 Low-rise Exclusive Residential Districts	<ul style="list-style-type: none"> (i) Those mentioned in paragraph (a), items (i) through (ix) (ii) Those offered for use as stores, dining facilities, or other purposes similar thereto as specified by Cabinet Order, and where the total floor area offered for these purposes is 150 square meters or less (excluding buildings whose third floor and above are offered for these uses) (iii) Those annexed to buildings coming under either of the preceding two items (excluding those specified by Cabinet Order)

(c)	Buildings that may be built in Category 1 Medium-to-high-rise Exclusive Residential Districts	<p>(i) Those mentioned in paragraph (a), items (i) through (ix)</p> <p>(ii) Universities, colleges of technology, training colleges, or others similar thereto</p> <p>(iii) Hospitals</p> <p>(iv) Welfare centers for the elderly, children's recreational facilities, and others similar thereto</p> <p>(v) Those offered for use as stores, dining facilities, or other purposes similar thereto as specified by Cabinet Order, and where the aggregate floor areas offered for these purposes is (v) 00 square meters or less (excluding buildings whose third floor and above are offered for these uses)</p> <p>(vi) Automobile garages with the aggregate floor areas of 300 square meters or less, or specified in city planning (excluding buildings whose third floor and above are offered for this use)</p> <p>(vii) Those necessary for the public interest and specified by Cabinet Order</p> <p>(viii) Those annexed to buildings coming under any of the preceding items (excluding those specified by Cabinet Order)</p>
(d)	Buildings that must not be built in Category 2 Medium-to-high-rise Exclusive Residential Districts	<p>(i) Those mentioned in paragraph (e), items (ii) and (iii); paragraph (f), items (iii) through (v); paragraph (g), item (iv); and paragraph (h), items (ii) and (iii)</p> <p>(ii) Factories (excluding those specified by Cabinet Order)</p> <p>(iii) Bowling alleys, skating rinks, swimming pools, and other similar athletic facilities specified by Cabinet Order</p> <p>(iv) Hotels/inns</p> <p>(v) Driving schools</p> <p>(vi) Livestock sheds of a scale as specified by Cabinet Order</p> <p>(vii) Buildings in which the third and higher floors are offered for a use other than those mentioned in paragraph (c) (excluding those specified by Cabinet Order)</p> <p>(viii) Buildings offered for uses other than those mentioned in (c) in which the aggregate floor areas offered for this purpose exceeds 1,500 square meters (excluding those specified by Cabinet Order)</p>
(e)	Buildings that must not be built	(i) Those mentioned in paragraph (f), items (i) through (v)

	in Category 1 Residential Districts	(ii) Mah-jongg parlors, pachinko halls, shooting galleries, betting windows (horse racing), off-track betting windows (bicycle racing or motersycle racing), and others similar thereto (iii) Karaoke boxes and others similar thereto (iv) Buildings offered for uses other than those mentioned in paragraph (c) in which the aggregate floor areas offered for this purpose exceeds 3,000 square meters (excluding those specified by Cabinet Order)
(f)	Buildings that must not be built in Category 2 Residential Districts	(i) Those mentioned in paragraph (g), items (iii) and (iv), and paragraph (h) (ii) Factories using non-road engines with aggregate floor areas of workshops exceeding 50 square meters (iii) Theaters, movie theaters, entertainment halls, or grand-stands, or nightclubs, or other similar facilities as specified by Cabinet Order (iv) Automobile garages with the aggregate floor areas in excess of 300 square meters, or automobile garages in the third or higher floors of a building (excluding those annexed to buildings as specified by Cabinet Order or those specified in city planning) (v) Commercial warehouses (vi) Buildings offered for use as stores, dining facilities, exhibition halls, amusement halls, betting windows (horse racing), off-track betting windows (bicycle racing or motersycle racing), or other use similar thereto as specified by Cabinet Order, and where the aggregate of floor areas of the parts offered for these uses exceeds 10,000 square meters
(g)	Buildings that must not be built in Quasi-residential Districts	(i) Those mentioned in paragraph (h) (ii) Factories using non-road engines with the aggregate floor areas of workshops exceeding 50 square meters (excluding automobile repair shops with the aggregate of floor areas of workshops not exceeding 150 square meters) (iii) Factories engaged in businesses mentioned in the following items (excluding those using special machinery or other special methods that are specified by Cabinet Order as ones that are not detrimental to the residential environment) (1) Metal work using acetylene gas generators whose capacity is from 10ℓ to 30 ℓ (1)-2 Manufacture of ink for printing (2) Spraying of paints using non-road engines with a total output is 0.75 kW or less

	<p>(2)-2 Manufacture of fish paste using non-road engines</p> <p>(3) Dry polishing of metal by using two or fewer polishing machines run by non-road engines (excluding those for polishing of tools and implements)</p> <p>(4) Grinding, or dry polishing of cork, ebonite or synthetic resin, or grinding of wood, those of which using non-road engines</p> <p>(4)-2 Hammer processing of metal boards 0.5 mm or more in thickness (excluding processing for the purpose of manufacturing metal crafted goods), or pressing (excluding hydraulic press operations, those of which using a straightening press) or shearing metal, those of which using non-road engines</p> <p>(4)-3 Polishing of lithograph for printing</p> <p>(4)-4 Manufacturing of products with sugar-coating machines</p> <p>(4)-5 Manufacture of cement goods using non-road engines</p> <p>(4)-6 Processing of wire using a wire forming machine, those of which using non-road engines with a total output exceeding 0.75 kW</p> <p>(5) Splitting or planing of lumber, sewing, machine weaving, stranding of thread for weaving machines, braid making, knitting, bag making, or setting of files, those of which using non-road engines with a total output exceeds 0.75 kW</p> <p>(6) Making of needles or cutting of stone slabs, those of which using non-road engines with a total output exceeds 1.5 kW</p> <p>(7) Milling using non-road engines with a total output exceeds 2.5 kW</p> <p>(8) Injection moulding process of synthetic resins</p> <p>(9) Cutting and shaving of metal using non-road engines with a total output exceeds 10 kW</p> <p>(10) Metal plating</p> <p>(11) Work using air compressors with a total output of non-road engines exceeding 1.5 kW</p> <p>(12) Printing using non-road engines</p> <p>(13) Processing metal using bending machines (limited to roll type)</p> <p>(14) Metal processing using tumblers</p> <p>(15) Work using a roller which uses rubber or synthetic resin (excluding calendar roller)</p>
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		<p>(16) In addition to that mentioned in items (i) through (xv), businesses which are specified by Cabinet Order as being detrimental to the residential environment by posing a danger to safety or fire prevention, or by being highly likely to be detrimental to sanitation or human health</p> <p>(iv) Those specified by Cabinet Order as those used for the storage or treatment of articles mentioned in paragraph (k), items (i) through (iii) and items (xi) and (xii) (referred to as the hazardous materials in paragraph (J), item (iv) and paragraph (k), item (ii))</p> <p>(v) Theaters, movie theaters, entertainment halls, or grand-stands in which the aggregate floor areas for the seating space is 200 square meters or more, or where the aggregate floor area used for nightclubs, or for other use similar thereto as specified by Cabinet Order, and where the aggregate of floor areas of the parts offered for these uses exceeds 200 square meters or more</p> <p>(vi) In addition to those mentioned in the preceding item, buildings offered for use as theaters, movie theaters, entertainment halls, grand-stands, nightclubs or for similar purposes as specified by Cabinet Order, or as stores, dining facilities, exhibition halls, amusement halls, betting windows (horse racing), off-track betting windows (bicycle racing or moterscycle racing), or other use similar thereto as specified by Cabinet Order, and where the aggregate of floor areas of the parts offered for these purposes (limited to the seating space in the case of the parts offered for theaters, movie theaters, entertainment halls or grand-stands) exceeds 10,000 square meters</p>
(h)	Buildings that may be built in Countryside Residential Districts	<p>(i) Those mentioned in paragraph (a), items (i) through (ix)</p> <p>(ii) Buildings for use as facilities for the production, collection, processing, or storage of agricultural products (excluding those specified by Cabinet Order)</p> <p>(iii) Buildings for use as facilities for the storage of production materials for agriculture</p>

		<p>(iv) Those offered for use as stores whose main purpose is to sell agricultural products produced in the region, and other stores, dining facilities or other use similar that necessary to promote the convenience of agriculture thereto as specified by Cabinet Order, and where the total floor area offered for these use is 500 square meters or less (excluding buildings whose third floor and above are offered for these uses)</p> <p>(v) In addition to those mentioned in the preceding item, those offered for use as stores, dining facilities, or other purposes similar thereto as specified by Cabinet Order, and where the total floor area offered for these purposes is 1(v) 0 square meters or less (excluding buildings whose third floor and above are offered for these uses)</p> <p>(vi) Those annexed to buildings coming under any of the preceding items (excluding those specified by Cabinet Order)</p>
(i)	Buildings that must not be built in Neighborhood Commercial Districts	<p>(i) Those mentioned in paragraph (i)</p> <p>(ii) Cabarets, restaurants, night clubs, and dance halls, and others similar thereto</p> <p>(iii) Bathhouses with private rooms, and others similar thereto specified by Cabinet Order</p>
(j)	Buildings that must not be built in Commercial Districts	<p>(i) Those mentioned in paragraph (k), items (i) and (ii)</p> <p>(ii) Factories using non-road engines with the aggregate of floor areas of workshops exceeding 150 square meters (excluding printing offices of daily newspapers, and automobile repair shops with the aggregate of floor areas of workshops not exceeding 300 square meters)</p> <p>(iii) Factories engaged in businesses as mentioned in the following items (excluding those using special machinery or other special methods, that are specified by Cabinet Order as ones that are not detrimental to the smooth operation of commercial activities and other services)</p> <p>(1) Manufacture of toy pyrotechnics</p> <p>(2) Metal work using acetylene gas (excluding work using acetylene gas generators whose capacity is 30 liters or less and work using dissolved acetylene gas)</p> <p>(3) Dry cleaning or dry dyeing using inflammable solvents or heat drying or baking of paint (excluding cases where infrared is used)</p> <p>(4) Heat treating or saw-machine processing of celluloid</p> <p>(5) Manufacture of paints or water paints</p>

- (6) Spraying of paints using non-road engines with a total output exceeds 0.75 kW
- (7) Bleaching of materials using sulfurous acid gas
- (8) Manufacture of bone charcoal or other animal charcoal
- (8)-2 Manufacture of soap
- (8)-3 Manufacture of fish powder, feather-meal, bone and meat powder, meat powder, or blood powder, or feeds using any of the above as raw material
- (8)-4 Manufacture of hand-laid paper
- (9) Washing, dyeing or bleaching of feathers or hair
- (10) Disinfection, selection, washing or bleaching of rag, waste cotton, waste paper, waste yarn, waste fur and others similar thereto
- (11) Manufacture of cotton, remanufacture of old cotton, nap raising, wool shearing, manufacture of reclaimed wool, or felt, those of which using non-road engines
- (12) Sawing or dry polishing of bone, horn, tusks, hooves or shell, or dry polishing of metal by means of 3 or more polishing machines, those of which using non-road engines
- (13) Pulverizing of mineral, rock, sand, concrete, asphalt-concrete, sulfur, metal, glass, brick, pottery or porcelain, bone, or shells, those of which using non-road engines
- (13)-2 Manufacture of ready-mixed concrete or filling bags with cement, those of which using non-road engines with a total output exceeds 2.5 kW
- (14) Manufacture of India-ink, Kairobai, or briquette
- (15) Casting of printing types or metal industrial art goods, or melting of metal, those of which using crucibles or furnaces, with a total capacity does not exceed 50 L (excluding casting of types at printing office)
- (16) Manufacture of tile, brick, earthenware, pottery or porcelain, artificial whetstone, crucibles, or enameled ironware
- (17) Manufacture or sand blasting of glass
- (17)-2 Metal spraying or sand blasting
- (17)-3 Corrugation of iron board
- (17)-4 Washing or remanufacture of drum containers
- (18) Forging using spring hammers

		<p>(19) Wire drawing, tube drawing, or metal rolling, those of which using non-road engines with a total output is 4 kW or less</p> <p>(20) In addition to those mentioned in items (i) through (xix), businesses which are specified by Cabinet Order as being detrimental to the improvement of the smooth operation of commercial activity and other services by posing a danger to safety or fire prevention, or by being highly likely to be detrimental to sanitation or human health</p> <p>(iv) Buildings for use as facilities for the storage or treatment of hazardous materials as specified by Cabinet Order</p>
(k)	Buildings that must not be built in Quasi-industrial Districts	<p>(i) Factories engaged in businesses as mentioned in the following items (excluding those using special machinery or other special methods that are specified by Cabinet Order as ones that are not detrimental to the smooth operation of industries that do not harm the environment)</p> <p>(1) Manufacture of explosives (excluding toy pyrotechnics) as specified in the Explosives Control Act (Act No. 149 of 1950)</p> <p>(2) Manufacture of hazardous materials provided for in Article 2, paragraph (7) of the Fire Services Act (Act No. 186 of 1948) (excluding those specified by Cabinet Order)</p> <p>(3) Manufacture of matches</p> <p>(4) Manufacture of nitrocellulose products</p> <p>(5) Manufacture of viscose products, acetate or cuprammonium rayon products</p> <p>(6) Manufacture of synthetic dyestuffs or their intermediate products, pigments, or paints (Excluding the manufacture of lacquer or water paints)</p> <p>(7) Manufacture of rubber products or aromatic oils by using inflammable solvents</p> <p>(8) Manufacture of imitation-leather paper/cloth or water-proof paper/cloth using drying oils or inflammable solvents</p> <p>(9) Manufacture of activated carbon using wood as raw material (excluding that manufactured by vapor method)</p> <p>(10) Manufacture of coal gases or coke</p> <p>(11) Manufacture of flammable gases (excluding those specified by Cabinet Order)</p> <p>(12) Manufacture of compressed gas or liquid gas (excluding that for ice manufacturing or refrigeration)</p>

- (13) Manufacture of chlorine, bromine, iodine, sulfur, sulfur chloride, hydrofluoric acid, hydrochloric acid, nitric acid, sulfuric acid, phosphoric acid, caustic potash, caustic soda, ammonia water, potassium carbonate, washing soda, soda ash, bleaching powder, bismuth subnitrate, sulfites, thiosulfates, arsenic compounds, lead compounds, barium compounds, copper compounds, mercury compounds, cyanogen compounds, chlorosulfuric acid, chloroform, carbon tetrachloride, formalin, sulphonal, glycerin, ammonium ichthyol sulfonate, acetic acid, carbolic acid, benzoic acid, tannic acid, acetanilide, aspirin, or guaiacol
- (14) Manufacture of products by hydrolysis of protein
- (15) Collection, hardening, or heating work of oils and fats (excluding manufacture of cosmetics)
- (16) Manufacture of factice, synthetic resin, synthetic rubber, or synthetic fibers
- (17) Manufacture of fertilizer
- (18) Manufacture of paper (excluding manufacture of hand-laid paper) or pulp
- (19) Manufacture of leather or glue, or refining of fur or bone
- (20) Refining of asphalt
- (21) Manufacture using asphalt, coal tar, wood tar, petroleum distillates, or their residues as raw material
- (22) Manufacture of cement, gypsum, hydrated lime, quick lime, or carbide
- (23) Metal melting or refining (excluding cases of using crucibles or furnaces whose total capacity does not exceed 50 L or cases of manufacturing printing types or metal industrial art goods)
- (24) Manufacture of carbon or graphite products using carbon powder as raw material, or pulverizing of graphite
- (25) Working of thick metal plates or shapes, with chipping work (excluding cases of using grinders), rivet work or drilling work, those of which using non-road engines
- (26) Manufacture of iron nails or steel balls
- (27) Wire drawing, tube drawing, or metal rolling, those of which using non-road engines with a total output exceeds 4 kW
- (28) Forging of metal using forging machines (excluding spring hammers)

		<p>(29) Manufacture of medical supplies using internal organs or excrement of animals as raw material</p> <p>(30) The manufacture or pulverization of products containing asbestos</p> <p>(31) In addition to those mentioned in items (i) to (xxx), businesses which are specified by Cabinet Order as being detrimental to the improvement of the smooth operation of industries that do not harm the environment by posing a danger to safety or fire prevention, or by being highly likely to be detrimental to sanitation or human health</p> <p>(ii) Buildings for use as facilities for the storage or treatment of hazardous materials as specified by Cabinet Order</p> <p>(iii) Bathhouses with private rooms, and others similar thereto specified by Cabinet Order</p>
(l)	Buildings that must not be built in Industrial Districts	<p>(i) Those mentioned in paragraph (k), item (iii)</p> <p>(ii) Hotels/inns</p> <p>(iii) Cabarets, restaurants, night clubs, dance halls, and others similar thereto</p> <p>(iv) Theaters, movie theaters, entertainment halls or grand-stands, or nightclubs or others similar thereto as specified by Cabinet Order</p> <p>(v) Schools (excluding child center in coordination between kindergarten and nursery centers)</p> <p>(vi) Hospitals</p> <p>(vii) Buildings offered for use as stores, dining facilities, exhibition halls, amusement halls, betting windows (horse racing), off-track betting windows (bicycle racing or motorcycle racing), or other use similar thereto as specified by Cabinet Order, and where the aggregate of floor areas of the parts offered for these uses exceeds 10,000 square meters</p>
(m)	Buildings that must not be built in Exclusive Industrial Districts	<p>(i) Those mentioned in paragraph (l)</p> <p>(ii) Houses</p> <p>(iii) Apartment houses, dormitories, or boarding houses</p> <p>(iv) Nursing homes for the elderly, welfare homes, and others similar thereto</p> <p>(v) Stores engaged in commodity sales or dining facilities</p> <p>(vi) Libraries, museums, or others similar thereto</p> <p>(vii) Bowling alleys, skating rinks, swimming pools, and other similar athletic facilities specified by Cabinet Order</p>

		(viii) Mah-jongg parlors, pachinko halls, shooting galleries, betting windows (horse racing), off-track betting windows (bicycle racing or motrsycle rasing), and others similar thereto
(n)	Buildings that must not be built in areas that are not designated as Use Districts (excluding Urbanization Control Areas as specified by Article 7, paragraph (1) of the City Planning Act)	Buildings offered for use as theaters, movie theaters, entertainment halls, grand-stands, nightclubs or other uses similar thereto as specified by Cabinet Order, or as stores, dining facilities, exhibition halls, amusement halls, betting windows (horse racing), off-track betting windows (bicycle racing or motrsycle rasing), or other use similar thereto as specified by Cabinet Order, and where the aggregate of floor areas of the parts offered for these uses (limited to the seating space in the case of the parts offered for uses of theaters, movie theaters, entertainment halls or grand-stands) offered for these uses exceeds 10,000 square meters.

Appended Table 3 Restrictions on Height of Each Part of a Building in Connection with Front Roads (Re: Article 56 and Article 91)

	(a)	(b)	(c)	(d)
	Limit of the floor are zones, districts, or areas where buildings exist	Limit of the floor area ratio as specified in Article 52, paragraphs (1), (2), (7), and (9)	Distance	Value
(1)	Buildings in Category 1 Low-rise Exclusive Residential Districts, Category 2 Low-rise Exclusive	20/10 or less	20 m	1.25
		Over 20/10 and 30/10 or less	25 m	
		Over 30/10 and 40/10 or less	30 m	

	Residential Districts, Category 1 Medium-to-high-rise Exclusive Residential Districts, Category 2 Medium-to-high-rise Exclusive Residential Districts or Countryside Residential Districts, or buildings in Category 1 Residential Districts, Category 2 Residential Districts or Quasi-residential Districts (excluding buildings referred to in paragraph (4))	Over 40/10	35 m	
(2)	Neighborhood Commercial Districts or Commercial Districts	40/10 or less	20 m	1.5
		Over 40/10 and 60/10 or less	25 m	
		Over 60/10 and 80/10 or less	30 m	
		Over 80/10 and 100/10 or less	35 m	
		Over 100/10 and 110/10 or less	40 m	
		Over 110/10 and 120/10 or less	45 m	
		Over 120/10	50 m	
(3)	Buildings in	20/10 or less	20 m	1.5

	Quasi-industrial Districts (excluding buildings referred to in paragraph (4)), or buildings in Industrial Districts, or Exclusive Industrial Districts	Over 20/10 and 30/10 or less	25 m	
		Over 30/10 and 40/10 or less	30 m	
		Over 40/10	35 m	
(4)	Buildings in High-rise residential Attraction Districts established within Category 1 Residential Districts, Category 2 Residential Districts, Quasi-residential Districts, or Quasi-industrial Districts, and with the aggregate floor areas of residential use of that building equal to or greater than 2/3 of its total floor area		35 m	1.5
(5)	Buildings in areas with no Use Districts	20/10 and less	20 m	1.25 or 2.5; the Designated Administrative Agency shall
		Over 20/10 and 30/10 or less	25 m	

		Over 30/10	30 m	categorize the relevant area accounting for land use conditions and select the value applied through consultations with the Prefectural City Planning Councils.
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Remarks

- (i) if a building extends over two or more areas, districts, or zones set forth in column (a), the term "buildings" in that column shall read "parts of a building";
- (ii) if the site of a building extends over two or more areas, districts, or zones set forth in column (a) of this table, matters necessary for the application of the distance set forth in column (c) of that table shall be specified by Cabinet Order;
- (iii) for buildings within Category 1 Medium-to-high-rise Exclusive Residential Districts, Category 2 Medium-to-high-rise Exclusive Residential Districts (limited to zones where the limit of floor area ratio is 40/10 or more pursuant to the provisions of Article 52, paragraph (1), item (ii) set forth in column (a), row (1) of this table or buildings within areas designated by a Designated Administrative Agency through consultations with the Prefectural City Planning Council among Category 1 Residential Districts, Category 2 Residential Districts or Quasi-residential Districts, "25 meters", "30 meters" and "35 meters" in column (c), row (1) shall be "20 meters", "25 meters" and " 30 meters" respectively and "1.25" in column (d), row (1) shall be "1.5".

Appended Table 4 Restrictions on Medium-high-rise Buildings due to Shadow (in connection with Article 56 and Article 56-2)

	(a)	(b)	(c)	(d)
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	Zones or areas	Buildings subject to restrictions	Height from average ground level		Shadow time in an area not exceeding 10 m in horizontal distance from the boundary line of the site	Shadow time in an area exceeding 10 m in horizontal distance from the boundary line of the site
(1)	Category 1 Low-rise Exclusive Residential Districts, Buildings in Category 2 Low-rise Exclusive Residential Districts, or Countryside Residential Districts	Buildings whose eaves exceed 7 m in height or buildings with 3 or more stories excluding basement floors	1.5 m	(i)	3 hours (2 hours in areas of Hokkaido)	2 hours (1.5 hours in areas of Hokkaido)
				(ii)	4 hours (3 hours in areas of Hokkaido)	2.5 hours (2 hours in areas of Hokkaido)
				(iii)	5 hours (4 hours in areas of Hokkaido)	3 hours (2.5 hours in areas of Hokkaido)
(2)	Category 1 Medium-to-high-rise Exclusive Residential Districts,	Buildings which exceed 10 m in height	4m or 6.5m	(i)	3 hours (2 hours in areas of Hokkaido)	2 hours (1.5 hours in areas of Hokkaido)

	or Category 2 Medium- to-high- rise Exclusive Residential Districts				(ii)	4 hours (3 hours in areas of Hokkaido)	2.5 hours (2 hours in areas of Hokkai do)
					(iii)	5 hours (4 hours in areas of Hokkaido)	3 hours (2.5 hours in areas of Hokkai do)
(3)	Category 1 Residential Districts, Category 2 Residential Districts, Quasi- residential Districts, Neighborhood Commercial District, or Quasi- industrial Districts	Buildings which exceed 10 m in height		4m or 6.5m	(i)	4 hours (3 hours in areas of Hokkaido)	2.5 hours (2 hours in areas of Hokkai do)
					(ii)	5 hours (4 hours in areas of Hokkaido)	3 hours (2.5 hours in areas of Hokkai do)
(4)	Areas with no Use Districts	a	Buildings whose eaves exceed 7 m in height or buildings with 3 or more stories excluding basement	1.5m	(i)	3 hours (2 hours in areas of Hokkaido)	2 hours (1.5 hours in areas of Hokkai do)
					(ii)	4 hours (3 hours in areas of Hokkaido)	2.5 hours (2 hours in areas of Hokkai do)

			nt floors		(iii)	5 hours (4 hours in areas of Hokkaido)	3 hours (2.5 hours in areas of Hokkai do)
		b	Buildin gs which exceed 10 m in height	4m	(i)	3 hours (2 hours in areas of Hokkaido)	2 hours (1.5 hours in areas of Hokkai do)
					(ii)	4 hours (3 hours in areas of Hokkaido)	2.5 hours (2 hours in areas of Hokkai do)
					(iii)	5 hours (4 hours in areas of Hokkaido)	3 hours (2.5 hours in areas of Hokkai do)
<p>The “height from average level” shall mean the height from level plane at the average height of the positions where a building comes in contact with the surrounding ground surface.</p>							