

Law related to Promotion of Measures for Sediment-related Disaster Prevention  
in a Restricted Area etc. Due to Sediment-related Disaster

(8 May 2000, Law No.57)

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Chapter I General Provisions

(Purpose)

Article 1 Purpose of this Law is to promote the measures for sediment-related disaster prevention, with an aim to protect lives and bodies of the people from sediment-related disaster, through making clear of land areas susceptible to sediment-related disaster, arrangement of warning and evacuation system in the said areas and regulation of specific development action within areas apprehended of substantial disaster, as well as taking necessary measures for structural control of buildings, and thereby to contribute to securing of public welfare.

(Definition)

Article 2 The term “sediment-related disaster” in this Law shall mean such damages to lives and bodies of people as caused by steep slope failure (that is, natural phenomenon of slope failure in lands with angle of slope over 30 degrees), by debris flood (that is, natural phenomenon of debris flow due to hillside collapse or debris flow along mountain stream mingled with water as a whole), or by landslide (that is, natural phenomenon of slip of a part of land due to groundwater etc. or movement thereof accompanied by it) (hereinafter referred to generically as “steep slope failure etc.”).

Chapter II Basic Guideline for Sediment-related Disaster Prevention Measures

(Basic Guideline for Sediment-related Disaster Prevention Measures)

Article 3 The Minister of Land, Infrastructure and Transport shall establish a basic guideline for promotion of measures for sediment-related disaster prevention (hereinafter referred to as “basic guideline”).

2 Following matters shall be prescribed in the basic guideline:

- (1) Basic matters on measures for prevention of sediment-related disaster pursuant to this Law
- (2) Matters to be guideline in carrying out of basic investigations according to Article 4
- (3) Matters to be guideline in designation of restricted area due to sediment-related disaster subject to Article 6 Paragraph 1 and of special restricted area due to sediment-related disaster subject to Article 8 Paragraph 1

(4) Matters to be guideline in removal of building in special restricted area due to sediment-related disasters subject to Article 8 Paragraph 1 and other measures to be taken pursuant to this Law

3 When the Minister of Land, Infrastructure and Transport intend to establish the basic guideline, he/she shall beforehand consult with the Minister of General Affairs and the Minister of Agriculture, Forestry and Fisheries, and consider opinions from the Infrastructure Arrangement Council.

4 When the Minister of Land, Infrastructure and Transport has established the basic guideline, he/she shall notice the guideline to the public without delay.

5 The provisions of the two preceding paragraphs shall apply mutatis mutandis to any alteration of the basic guideline.

#### (Basic Investigations)

Article 4 Prefectures shall, approximately for every five years, carry out investigations pursuant to the basic guideline on features of topography, geology, precipitation and other elements on the land susceptible of steep slope failure etc., utilization of the land susceptible of occurrence of sediment-related disaster and other matters, as basic investigations necessary for measures of sediment-related disaster prevention pursuant to this Law, such as designation of restricted area due to sediment-related disaster subject to Article 6 Paragraph 1, and of special restricted area due to sediment-related disaster subject to Article 8 Paragraph 1 (hereinafter referred to as “basic investigations”).

2 Prefectures shall, according to Ordinance of the Minister of Land, Infrastructure and Transport, notify the results of basic investigations to the heads of cities, towns and villages concerned (including special wards of big cities, hereinafter the same).

3 The Minister of Land, Infrastructure and Transport may ask prefectures for reports in his/her need on the results of basic investigations, whenever he/she considers necessary for enforcement of this Law.

#### (Entry into Lands for Basic Investigations)

Article 5 Prefectural governor as well as his/her appointee or entrustee may, insofar as inevitably necessary for basic investigations, enter a land occupied by another person, or may make temporary use of another person's land, wherein no specific use purpose exists, as a work site.

2 Any person who intends to enter a land occupied by another person according to the provision of the preceding paragraph shall notify there on beforehand to occupant of the said land, unless it is difficult to notify beforehand.

3 Any person who intends to enter a land of building site or a land enclosed by hedge, fence or other structures in another person's occupation according to the provision of the preceding paragraph shall, beforehand on entering, inform thereon to the possessor of the said land.

4 No entry shall be made into the land as stipulated in Paragraph 1 before sunrise and after sunset except in case the consent of the occupant has been obtained.

5 Any person who intends to enter a land occupied by another person according to the provision of

Paragraph 1 shall bear his/her identification card, and shall show it on request of the party concerned.

6 Any person who intends to make temporary use of another person's land, wherein no specific use purpose exists, for work site according to the provision of Paragraph 1 shall notify thereon to the occupant and owner of the said land beforehand, and hear their opinions.

7 The occupant or owner of the land shall not refuse or prevent the entry or temporary use subject to Paragraph 1, unless he/she has a justifiable reason.

8 In case a person suffers a loss owing to the entry or temporary use subject to Paragraph 1, prefecture shall compensate him/her for the loss which would ordinarily be incurred.

9 Prefecture and sufferer of the loss shall negotiate each other on the compensation subject to the preceding Paragraph.

10 When the negotiation according to the preceding Paragraph is resultless, prefecture shall render an amount of money by its own estimation to the sufferer of the loss. In that case, any person dissatisfied with the amount of money may, according to the provision of Government Ordinance, apply for ruling to the expropriation commission, within 30 days from the day of rendering, pursuant to Article 94, Paragraph 2 of the Expropriation Law (1951, Law No.219).

### Chapter III Restricted Area Due to Sediment-related Disaster

(Restricted Area Due to Sediment-related Disaster)

Article 6 Prefectural governor may, on the basis of basic guideline, designate restricted area due to sediment-related disaster (hereinafter referred to as “restricted area”), in the area of land in accordance with criteria as may be provided in Government Ordinance, wherein harms to lives and bodies of residents and others may be apprehended in case of occurrence of steep slope failure etc. and thereby warning and evacuation system shall particularly be prepared in the said area in order to prevent sediment-related disaster.

2 Designation subject to the preceding Paragraph (hereinafter referred to as “designation” in this Article) shall be made through determining the area of designation and the sort of natural phenomenon to be cause of sediment-related disaster according to the causes of sediment-related disaster stipulated in Article 2.

3 Prefectural governor shall, when he/she intends to make designation, consider opinions from heads of cities, towns and villages concerned beforehand.

4 Prefectural governor shall, when he/she makes designation, make public notification on that matter as well as on the area of designation and the sort of natural phenomenon to be cause of sediment-related disaster, according to the provision of Ordinance of the Minister of Land, Infrastructure and Transport.

5 Prefectural governor shall, when he/she has made the public notification subject to the preceding paragraph, immediately send the maps and papers prescribing the matters of notification by the preceding paragraph to heads of cities, towns and villages concerned, according to the provision of Ordinance of the Minister of Land, Infrastructure and Transport.

6 Provisions of Paragraph 3 through Paragraph 5 shall apply mutatis mutandis to the cancellation of designation.

(Preparation of Warning and Evacuation System)

Article 7 When the restricted areas are designated, municipal disaster prevention council or, in case of lack thereof, the head of municipality shall determine on matters concerning necessary warning and evacuation systems in each of the said restricted area for prevention of sediment-related disaster in the said restricted area, such as collection and delivery of information, issuance and conveyance of forecast, evacuation, relief and others concerning the sediment-related disaster in the said restricted area, to be cooperated in the regional plan for disaster prevention of municipality (as referred to the regional plan for disaster prevention of municipality pursuant to the Basic Law for Disaster Management (1961, Law No.223)).

2 Head of municipality wherein the restricted area is located shall, on the basis of the regional plan for disaster prevention stipulated in the preceding paragraph, make efforts to let the residents know about necessary matters for smooth operation of warning and evacuation in the restricted area, such as communication method of information, refuge in apprehension of steep slope failure etc.

#### Chapter IV Special Restricted Area Due to Sediment-related Disaster

(Special Restricted Area Due to Sediment-related Disaster)

Article 8 Prefectural governor may, on the basis of basic guideline, designate land as special restricted area due to sediment-related disaster(hereinafter referred to as “special restricted area”),in the restricted area in accordance with criteria as may be provided in Government Ordinance, wherein buildings may be broken down and occurrence of substantial harms to lives and properties of residents and others may be apprehended in case of steep slope failure etc., and thereby restriction of specific development action and structural regulation of building with residential room (as referred to the residential room stipulated in Article 2 Paragraph 4 of Building Standard Law (1950, Law No.201), hereinafter the same) shall be enforced.

2 The designation subject to the preceding paragraph (hereinafter referred to as “designation” in this Article) shall be made through determining the area of designation as well as the sort of natural phenomenon to be the cause of disaster and matters concerning the impact estimated to work on building by the said natural phenomenon (as far as necessary matters for structural regulation of building to be made to prevent the sediment-related disaster as may be provided in Government Ordinance), according to the causes of sediment-related disaster stipulated in Article 2.

3 Prefectural governor shall, when he/she intends to make designation, consider opinions from heads of cities, towns and villages concerned be-forehand.

4 Prefectural governor shall, when he/she makes designation, notice to the public on that matter as well as on the area of designation and the sort of natural phenomenon to be cause of sediment-related disaster according

to the provision of Ordinance of the Minister of Land, Infrastructure and Transport.

5 Prefectural governor shall, as soon as possible after he/she has made the public notification subject to the preceding paragraph, send the maps and papers prescribing the matters of notification by the preceding paragraph to heads of cities, towns and villages concerned, according to the provision of Ordinance of the Minister of Land, Infrastructure and Transport.

6 The designation shall come into force by the public notification subject to Paragraph 4.

7 Heads of cities, towns and villages concerned shall throw the maps and papers to the public at the office of municipalities thereof.

8 Prefectural governor shall cancel the designation on the whole or a part of special restricted area, when he/she deems it to have lost the reason of designation thereof as a result of completion of works or others concerning prevention of sediment-related disaster.

9 Provisions of Paragraph 3 through Paragraph 6 shall apply mutatis mutandis to the cancellation of designation.

#### (Restriction of Specific Development Action)

Article 9 Any person who intends to carry out development action as stipulated in Article 4, Paragraph 12 of the City Planning Law (1968, Law No.100) for the building with restricted purpose (except for building planned outside of the area in case of overriding plan in and out of the said area, hereinafter referred to as “planned building”) in special restricted area (hereinafter referred to as “specific development action”) shall obtain permission of prefectural governor beforehand, excluding such actions as urgent measures necessary for emergency and others as may be provided in Government Ordinance.

2 The term “restricted purpose” in the preceding paragraph means the purpose of planned building not other than those of habitation (except for self-habitation) as well as those of facilities for social welfare, schools and medical facilities for use of the aged, the handicapped, the babies and infants and other persons in need of special consideration on disaster prevention (insofar as provided in Government Ordinance).

#### (Formality of Application)

Article 10 Any person who intends to obtain permission subject to Article 9 Paragraph 1 shall submit an application stating following matters.

(1) Location, boundary and size of the area for specific development action (hereinafter referred to as “development area”)

(2) Purpose of building planned (limited within the purposes as stipulated in the preceding Article Paragraph 1: hereinafter referred to as “specific building planned”) and location of the site

(3) Plan of works to carry out by him-/herself for prevention of sediment-related disaster against the specific building planned (hereinafter referred to as “countermeasure works”)

(4) Plan of works concerning specific development action other than the countermeasure works

(5) Other matters as may be provided in Ordinance of the Minister of Land, Infrastructure and Transport

2 Maps and papers as may be provided in Ordinance of the Minister of Land, Infrastructure and Transport shall be attached to the application subject to the preceding paragraph.

(Criteria of Permission)

Article 11 Prefectural governor shall, when application has been submitted subject to Article 9 Paragraph 1, give permission thereof, insofar as he/she admits that the plan of works subject to the preceding Article Paragraph 3 and 4 (hereinafter referred to as “countermeasure works and others”) has been elaborated on measures necessary for the prevention of sediment-related disaster against specific building planned according to technical criteria as may be provided in Government Ordinance, and that formality of the application has not offended against the provisions of this Law or of Ordinances pursuant to this Law.

(Conditions for Permission)

Article 12 Prefectural governor may attach necessary conditions for prevention of such disaster as may follow carrying out of the countermeasure works and others to the permission subject to Article 9 Paragraph 1.

(Notification in Case of Existing Works)

Article 13 Any person who has already commenced specific development action (excluding the action as may be stipulated in Government Ordinance pursuant to the proviso of Article 9 Paragraph 1) in special restricted area at the time of designation of the said special restricted area shall notify to prefectural governor to that effect within 21 days from the day of designation subject to Ordinance of the Minister of Land, Infrastructure and Transport.

2 Prefectural governor may, when notification subject to the preceding Paragraph is made, and if he/she deems it necessary for prevention of sediment-related disaster in the development area (limited within special restricted area) concerned with the notification, give such necessary advice or recommendation as change of the purpose of building planned and others to the person who has made notification.

(Exception for Permission)

Article 14 As for the specific development action to be carried out by the State or local public bodies, an agreement thereof between the State or local public bodies and prefectural governor shall be regarded as obtainment of the permission subject to Article 9 Paragraph 1.

(Notification of Grant or Refusal of Permission)

Article 15 Prefectural governor shall, on application of permission subject to Article 9 Paragraph 1, grant or refuse the permission without delay.

2 The decision subject to the preceding paragraph shall be notified in written form to the applicant.

(Permission of Change)

Article 16 Any person who intends to change the matters of permission subject to Article 9 Paragraph 1(including permission subject to this Paragraph), concerning the matters stipulated in Article 10 Paragraph 1 Items (2) through (4), shall obtain permission of prefectural governor, except for changes concerning the purpose of building planned from limited one to others or such minor changes as may be provided in Ordinance of the Minister of Land, Infrastructure and Transport.

2 Any person who intends to obtain permission subject to the preceding paragraph shall submit an application to prefectural governor stating matters as may be provided in Ordinance of the Minister of Land, Infrastructure and Transport.

3 Any person who has obtained the permission subject to Article 9 Paragraph 1 shall, when he/she has made such change as stipulated in exceptional term of Paragraph 1, notify to prefectural governor to that effect without delay.

4 Provisions of Article 11, Article 12 and the two preceding paragraphs shall apply mutatis mutandis to the permission subject to Paragraph 1.

5 As for the application of the next article through Article 19 in case of the permission subject to Paragraph 1 and notification subject to Paragraph 3, the changed matters of permission subject to Paragraph 1 as well as of notification subject to Paragraph 3 shall be regarded as the matters permitted subject to Article 9 Paragraph 1.

#### (Inspection of Completed Works)

Article 17 Any person who has obtained permission subject to Article 9 Paragraph 1 shall, on completion of all of the countermeasure and other works related to the said permission, notify to prefectural governor to that effect according to Ordinance of the Minister of Land, Infrastructure and Transport.

2 Prefectural governor shall, on notification subject to the preceding paragraph, inspect the countermeasure and other works, without delay, whether they are in accordance or not with the technical criteria as maybe provided in Government Ordinance pursuant to Article 11, and shall, when he/she admits that said countermeasure and other works are in accordance with the technical criteria as may be provided in Government Ordinance as a result of inspection, issue a certificate of inspection to the notifier according to the form as may be provided in Ordinance of the Minister of Land, Infrastructure and Transport.

3 Prefectural governor shall, on having issued the certificate of inspection subject to the preceding paragraph, notice to the public, according to Ordinance of the Minister of Land, Infrastructure and Transport, to the effect that the said countermeasure and other works have been completed.

#### (Building Regulation)

Article 18 Any building with restricted purpose subject to Article 9 Paragraph 1 shall not be constructed in the restricted area(limited within the special restricted area) which has been permitted subject to Article9 Paragraph 1, until the public notice shall be issued according to the preceding Article Paragraph 1.

#### (Discontinuance of Specific Development Action)

Article 19 Any person who has obtained permission subject to Article 9 Paragraph 1 shall, on discontinuance of the countermeasure and other works related to the said permission subject to Article 9 Paragraph 1, notify without delay to prefectural governor to that effect, according to Ordinance of the Minister of Land, Infrastructure and Transport.

(Supervisory Order)

Article 20 Prefectural governor may, insofar as necessary for prevention of sediment-related disaster against specific building planned, annul the permission subject to Article 9 Paragraph 1 or Article 16 Paragraph 1, or alter the conditions attached to the permission, or order to suspend the works and other actions or to take, within a reasonably fixed term, necessary measures to the person falling under one of the situations as follows:

(1) Person who has carried out specific development action against the provisions of Article 9 Paragraph 1 or Article 16 Paragraph 1

(2) Person who has offended against the conditions attached to the permission subject to Article 9 Paragraph 1 or Article 16 Paragraph 1

(3) Person who is orderer or contractor (including sub-contractor), or is carrying out or has carried out the works by him/herself without contract of works, concerning measures necessary for prevention of sediment-related disaster against specific building planned not in accordance with the technical criteria as may be provided in Government Ordinance, as a specific development action being carrying out or has been carried out in special restricted area (excluding the action already commenced in special restricted area at the time of designation of the said special restricted area)

(4) Person who has obtained the permission subject to Article 9 Paragraph or Article 16 Paragraph 1, through fraud or other unjust ways.

2 Prefectural governor may take by him/herself or let his/her appointee or entrustee take measures, when he/she intends to order the necessary measures according to the preceding Paragraph, if he/she is unable to recognize the person to whom the order to take the said measures shall be issued. In that case, prefectural governor shall, with reasonably fixed term, notice to the public beforehand, to the effect that the said measures should be taken and prefectural governor shall take or let his/her appointee or entrustee take the said measures within the said term.

3 Prefectural governor shall, when he/she has issued the order subject to Paragraph 1, notice to the public to that effect by installation of a plate or other way as may be provided in Ordinance of the Minister of Land, Infrastructure and Transport.

4 The plate as stipulated in the preceding Paragraph may be installed within the land area or at the building or the site thereof related to the order subject to Paragraph 1. In that case, the owner, keeper or occupant of the land, building or site thereof shall not reject or obstruct installation of the said plate.

(On-the-spot Inspection)

Article 21 Prefectural governor or his/her appointee or entrustee may, when he/she deems it necessary for



enforcement of the provisions of Article 9 Paragraph 1, Article 16 Paragraph 1, Article 17 Paragraph 2, Article 18, or the preceding Article Paragraph 1, enter the land area and inspect the facts of land or countermeasure and other works.

2 The provision of Article 5 Paragraph 5 shall apply mutatis mutandis to the case stipulated in the preceding Paragraph.

3 The power of on-the-spot inspection subject to Paragraph 1 shall not be construed as admissible to criminal investigations.

(Collection of Report etc.)

Article 22 Prefectural governor may request from the person who has been given permission subject to Article 9 Paragraph 1 or Article 16 Paragraph 1 to submit report or materials concerning facts of the land or the countermeasure and other works related to the said permission, or may give necessary advice or recommendation for prevention of sediment-related disaster in the said land.

(Criteria on Structural Bearing Force of Buildings with Residential Room)

Article 23 For the purpose of prevention of sediment-related disaster in the special restricted area, criteria on structural bearing force of buildings shall be provided in Government Ordinance pursuant to Article 20 of Buildings Standard Law, so that the structure of buildings with residential rooms will be safe against the impact presumable to work on the buildings by natural phenomenon to be the cause of the said sediment-related disaster.

(Application of Buildings Standard Law to Buildings with Residential Room within Special Restricted Area)

Article 24 With regard to the building with residential room (excluding buildings subject to Article 6 Paragraph 1 Items (1) through (3) of Buildings Standard Law) in the special restricted area (excluding areas subject to Item (4) of the same Paragraph), provisions of Article 6 through Article 7-5, Article 18, Article 89, Article 91 and Article 93 (including penal provisions related to those articles) shall apply as deemed to be the same building in the area that prefectural governor may designate, on hearing from municipalities concerned, subject to Item (4) of the same paragraph.

(Recommendation on Relocation etc.)

Article 25 Prefectural governor may recommend the owner, keeper or occupant of building to relocate the said buildings or to take other necessary measures for prevention or mitigation of sediment-related disaster, when he/she admits in high apprehension that in case of steep slope failure etc. building with residential room in special restricted areas maybe broken, and that lives and bodies of residents etc. may be substantially damaged.

2 Prefectural governor shall, when he/she deems it necessary, on having issued recommendation subject to the preceding paragraph, manage to give assistance to the recipient of recommendation in land acquisition or

other necessary measures.

## Chapter V Miscellaneous Provisions

(Subsidy for Costs)

Article 26 The national government may, under the provision of Government Ordinance, grant a subsidy a part of the expenses necessary for basic investigations to prefectures within the limit of the budgetary appropriation.

(Secure of Funds)

Article 27 The national government and prefectures, shall manage to secure or offer the funds or to assist thereby necessary for smooth relocation of building or other measures based on the recommendation subject to Article 25 Paragraph 1.

(Instructions in Case of Emergency)

Article 28 The Minister of Land, Infrastructure and Transport may, when sediment-related disaster occurs or is apprehended to occur, give necessary instructions to prefectural governor concerning the matters as may be provided in Government Ordinance within the jurisdictions of prefectural governor pursuant to this Law, if it is regarded in emergent necessity for prevention or mitigation of sediment-related disaster.

## Chapter VI Penal Provisions

Article 29 A person to whom one of the following items applies shall be punished with penal servitude for not more than one year or a fine not more than five hundred thousand yen.

(1) A person who took specific development action in violation of the provisions of Article 9 Paragraph 1 or Article 16 Paragraph 1.

(2) A person who constructed a building with restricted purpose as stipulated in Article 9 Paragraph 1 in violation of Article 18.

(3) A person who offended the order of prefectural governor subject to Article 20 Paragraph 1.

Article 30 A person to whom one of the following items applies shall be punished with penal servitude for not more than six months or a fine not more than three hundred thousand yen.

(1) A person who rejected or obstructed the entry into or temporary use of land in violation of the provision of Article 5 Paragraph 7.

(2) A person who rejected, obstructed or evaded the on-the-spot inspection as stipulated in Article 21

Paragraph 1.

Article 31 A person who, being requested to submit report or materials subject to Article 22, failed to submit report or materials or submitted false report or materials shall be punished with a fine not more than two hundred thousand yen.

Article 32 In case a representative of juridical person, or an agent, employee or other worker of juridical or natural person has violated any of the provisions of three preceding articles in connection with the business or properties of the said juridical or natural person, not only the offender shall be punished, the juridical or natural person shall also be punished with a fine prescribed in the corresponding article.

Article 33 A person who failed to notify or made false notification in violation of Article 13 Paragraph 1, Article 16 Paragraph 3 or Article 19 shall be punished with a fine not more than two hundred thousand yen.

#### Supplementary Provisions

1 This Law shall come into force as from 1 April 2001.

2-6 (omitted..... Technical revisions of related laws)