

NOISE REGULATION Law No. 98 of 1968

Chapter I GENERAL PROVISIONS

Article 1 (Purpose)	The purpose of this Law is to preserve living environment and contribute to protection of the people's health by regulating noise generated by the operation of factories and other types of work sites as well as construction work affecting a considerable area, and by setting maximum permissible levels of motor vehicle noise.
Article 2 (Definitions)	<p>1. The term "specified facilities" as used in this Law means those installations, determined pursuant to Cabinet Order, in factories and work sites (not including mines stipulated in Article 2, Paragraph, 2, of the Mine Safety Law (No. 70, 1949); the same shall apply hereinafter) which produce high noise levels.</p> <p>2. The term "regulatory standards" means the maximum permissible level of noise recorded on the boundary line of the factories or work sites equipped with specified facilities (hereinafter referred to as "specified factories").</p> <p>3. The term "specified construction work" means the type of construction, determined by Cabinet Order which produces high noise levels.</p> <p>4. The term "motor vehicle noise" means noise generated by the operation of motor vehicles stipulated in Article 2, Paragraph 2, of the Road Transportation Vehicle Law (No. 185, 1951) and provided for in the ordinance of the Prime Minister's Office, and motorcycles stipulated in Paragraph 3 of said Article.</p>
Article 3 (Designation of Areas)	<p>1. The prefectural governor shall designate concentrated residential areas, school and hospital zones, and other such areas in which it is deemed necessary to protect the living environment of the residents from noise, as areas subject to the regulation of noise produced by specified factories and specified construction work.</p> <p>2. The prefectural governor shall solicit opinions of the city, town or village mayors concerned in designating these areas. The same shall apply in changing or abrogating said designation.</p> <p>3. The prefectural governor shall make public the decision on area designation pursuant to the pertinent ordinance of the Prime Minister's Office. If the designation is changed or abrogated, it shall likewise be made public.</p>

Chapter II REGULATIONS REGARDING SPECIFIED FACTORIES

- Article 4
(Establishing Regulatory Standards)
1. The prefectural governor, when designating the areas pursuant to Paragraph 1 of the preceding Article, shall establish regulatory standards for specified hours and zones of said areas within the scope of the standards set forth by the Director General of the Environment Agency according to the necessary degree of noise control in regard to specified factories for specified hours and zones.
 2. When the regulatory standards established under the preceding Paragraph are deemed insufficient to protect the living environment of the residents in said area, the competent authorities of cities, towns or villages may establish regulatory standards exceeding those standards by municipal ordinances falling within the scope of the standards set forth by the Director General of the Environment Agency.
 3. The provisions of Article 3, Paragraph 3, shall also apply to the establishment, revision or abrogation of the regulatory standards provided for in Paragraph 1 of this Article.

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- Article 5
(Observing Regulatory Standards)
- Any party operating specified factories in designated areas shall observe the regulatory standards pertinent to said factories.

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- Article 6
(Reporting on Installation of Specified Facilities)
1. Any party who plans to build or install specified facilities at factories or work sites (those that are not at present equipped with such facilities) within a designated area, shall report to the prefectural governor the following particulars in accordance with the ordinance of the Prime Minister's Office no later than thirty (30) days before the beginning of said construction.
 - (1) The name and address of the party; in the case of corporations, the name of the chief executive is to be included.
 - (2) The name and address of the factory or work site.
 - (3) The number of specified facilities by type.
 - (4) Methods of noise abatement.
 - (5) Other matters as provided for in the ordinance of the Prime Minister's Office.

2. Reports pursuant to the preceding Paragraph shall be accompanied by layouts of the specified facilities and other documents as determined by the ordinance of the Prime Minister's Office.

Article 7

(Transitional Procedures)

1. Any party who has installed or is in the process of installing, specified facilities in factories or work sites in a location which later is included in a designated area, and any party who installed facilities in a designated area prior to the time of specification shall report to the prefectural governor the matters listed in Paragraph 1 of the preceding Article pursuant to the ordinance of the Prime Minister's Office, no later than thirty (30) days from the date of said designation or specification.

2. The provisions of Paragraph 2 of the preceding Article shall also apply to the reporting of matters in the preceding Paragraph.

Article 8

(Reporting Changes in the Number of and/or Other Matters Pertinent to Specified Facilities)

1. Any party who has reported the items as in Article 6, Paragraph 1, shall again report to the prefectural governor in accordance with the ordinance of the Prime Minister's Office if any changes are to be made in regard to matters pertinent to (3) or (4) of Article 6, Paragraph 1 no later than thirty (30) days prior to the beginning of work on these proposed changes. This shall not apply to cases where changes in regard to matters pertinent to (3) do not exceed the limits established by the ordinance of the prime Minister's Office, or where changes in regard to matters pertinent to (4) do not result in the increase of noise levels generated by specified factories.

2. The provisions of Article 6, Paragraph 2, shall be complied with in reporting changes in matters pertinent to the preceding Paragraph.

Article 9

(Recommendations for Plan Changes)

Finding that the level of noise generated by specified factories does not conform to the regulatory standards thereby being harmful to the living environment of the residents in areas adjacent to those factories, the prefectural governor may recommend necessary changes in the plans for noise abatement, operational methods and/or layout of specified facilities within thirty (30) days from the date of the receipt of the report pursuant to Article 6, Paragraph 1, or Article 8, Paragraph 1.

Article 10 (Reporting on Changes in Names and Addresses)	Any party who has reported pursuant to Article 6, Paragraph 1, or Article 7, Paragraph 1, shall report to the prefectural governor within thirty (30) days any changes in matters pertinent to (1) or (2) of Article 6, Paragraph 1, or the termination of the use of specified facilities.
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Article 11 (Transference of Status)	<p>1. Any party who has inherited or leased all of the specified facilities installed within specified factories from a party who reported in compliance with Article 6, Paragraph 1 or Article 7, Paragraph 1, shall succeed to the status of the originating party in regard to said specified facilities.</p> <p>2. When inheritance or merger takes place involving a party who has reported pursuant to the provisions of Article 6, Paragraph 1, or Article 7, Paragraph 1, the heir or the resultant corporation shall be the successor to the position of the party originating the report.</p> <p>3. Any party who succeeds as provided for in the preceding two (2) Paragraphs to the position of a party who filed pursuant to the provisions of Article 6, Paragraph 1, or Article 7, Paragraph 1, shall report the transference to the prefectural governor no later than thirty (30) days from the effective date of succession.</p>
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Article 12 (Recommendations and Orders)	<p>1. Finding that the levels of noise emitted by a specified factory, located in a designated area, exceed the regulatory standards thereby being detrimental to the environment of the surrounding area, the prefectural governor may recommend improvements to be implemented within a given period of time in noise abatement methods and/or changes in operational practices and/or layout of the specified facilities to the party responsible for the specified factory, as deemed necessary to eliminate the harmful situation.</p> <p>2. Finding that parties who have received recommendations pursuant to the preceding Paragraph of this Article or pursuant to Article 9 have not acted upon said recommendations, the prefectural governor may issue an executive order requiring, within a given period of time, improvements in noise abatement methods and/or changes in operational practices and/or changes in the layout of the specified facilities as deemed necessary to eliminate the harmful situation.</p>
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3. The preceding two (2) Paragraphs shall not apply to those specified factories reported pursuant to provisions of Article 7, Paragraph 1, for three (3) years following the date of area designation or of facility specification. But this respite shall not be granted to those who are subject to provisions of the public ordinance of the locality corresponding to Paragraph 1 of this Article as of the date of area designation or of facility specification, and in cases when more than thirty (30) days have elapsed since the date of filling reports as provided for in Article 8, Paragraph 1.

Article 13

(Special Consideration
Applicable to Small
Enterprises)

In applying the provisions of Article 9 or those of Paragraphs 1 or 2 of the preceding Article to operators of small enterprises, the prefecture governor shall give special consideration to the content of recommendations or orders so as not to substantially impede the performance of said enterprises.

Chapter III REGULATIONS REGARDING SPECIFIED CONSTRUCTION WORK

Article 14

(Reporting implementation of Specified Construction Work)

1. Any party who plans to undertake construction projects which involve specified construction work in designated areas, shall report the following particulars to the prefectural governor in accordance with the pertinent ordinance of the Prime Minister's Office no later than seven (7) days prior to the beginning of said construction. Exception may be granted in the case of natural disasters or other emergency situations that make specified construction work urgently necessary.

- (1) The name and address of the party; in the case of corporations, the name of the chief executive to be included.
- (2) The type of facilities and structures to be built.
- (3) The place and duration of the specified construction work.
- (4) Methods of noise abatement.
- (5) Other items as provided for in the ordinance of the Prime Minister's Office.

2. In the case of exceptions provided for in the preceding Paragraph, the party undertaking said construction work shall report, without delay, to the prefectural governor in regard to the particulars of the preceding Paragraph.

3. Reports submitted pertinent to the preceding two (2) Paragraphs shall be accompanied by maps of the area around the site of specified construction work and other documents pursuant to the ordinance of the Prime Minister's Office.

Article 15

(Recommendations and Orders)

1. Recognizing that the level of noise produced by specified construction work within designated areas exceeds the standards set forth for such construction work by the Director General of the Environment Agency for specific hours and zones, thereby being notably detrimental to the living environment of the area near the site of specified construction work, the prefectural governor may recommend to the party responsible for said construction that improvements be implemented in noise abatement methods and/or changes be made in work hours within a certain period of time so that the harmful situation be rectified.

2. In cases when the party which has received

recommendation pursuant to the preceding Paragraph continues its specified construction work in disregard of said recommendations, the prefecture governor may issue orders requiring necessary improvements in noise control methods and/or changes in work hours which shall be carried out within a fixed period of time.

3. In issuing recommendations or orders pursuant to the preceding two (2) Paragraphs pertaining to specified construction work undertaken for facilities or structures of a public nature, the prefecture governor shall give special consideration so as not to unnecessarily impede the progress of work.

Chapter IV MAXIMUM PERMISSIBLE LEVELS OF MOTOR VEHICLE

Article 16 (Maximum Permissible Levels)	<p>1. The Director General of the Environment Agency shall establish the maximum permissible levels of noise produced by the operation of motor vehicles under specific conditions.</p> <p>2. In order to control motor vehicle noise, the Minister of Transport shall make certain that the maximum permissible levels of motor vehicle noise pursuant to the preceding Paragraph are not exceeded, when establishing particulars to regulate motor vehicle noise by orders pursuant to the Road Transportation Vehicles Law.</p>
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Article 17 (Requests and Opinions Based on Monitoring)	<p>1. Finding through the results of monitoring pursuant to Article 21-2 that motor vehicle noise in excess of the limits established by the ordinance of the Prime Minister's Office cause undue damage to the living environment surrounding roads within designated areas, the prefectural governor may request the prefectural public safety commission to implement measures pursuant to the provisions of the Road Traffic Law (No. 105, 1960).</p> <p>2. In addition to requests pursuant to the provisions of the preceding Paragraph, prefectural governor may present his opinion to the person responsible for management of a given road and/or to the chief officer of the governmental agency concerned, in regard to the structural improvement of particular sections of said road and other modifications which will contribute to reducing the level of motor vehicle noise, on the basis of findings reached through monitoring pursuant to Article 21-2.</p>
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Article 18	(Deleted)
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Article 19	(Deleted)
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Chapter V MISCELLANEOUS PROVISIONS

Article 20

(Inspection and
Reporting Information)

1. To the degree necessary to execute this law and in pursuance to Cabinet Order, the prefectural governor may request the party responsible for specified facilities or the party responsible for a construction project, which includes specified construction work, to report on the status of specified facilities, progress of specified construction work, or other pertinent matters. The prefectural governor may also authorize his personnel to enter specified factories equipped with specified facilities or construction sites on which specified construction work is being carried out and to inspect the specified facilities and/or investigate other pertinent matters.

2. The personnel who enter and investigate pursuant to the provisions of Paragraph 1 shall carry the appropriate identification documents and present said documents to the party concerned.

3. The authority to enter and investigate pursuant to the provisions of Paragraph 1 shall not be construed as authority to conduct criminal investigation.

Article 21

(Provision for Gas and
Electric Utilities
Operations)

1. Any party operating specified facilities for electric supply pursuant to the stipulations of Article 2, Paragraph 7, of the Electric Utilities Law (No. 170, 1964) or for gas supply pursuant to the stipulations of Article 2, Paragraph 10, of the Gas Utilities Law (No. 51, 1954) shall not be subject to the provisions of Articles 6 through 13 of this Law but shall be subject to corresponding provisions of said Electric Utilities Law and Gas Utilities Law.

2. Upon receipt of applications or notifications for permission or authorization in regard to specified facilities pursuant to the preceding Paragraph, filed according to the provisions of the Electric Utilities Law or the Gas Utilities Law that correspond to the provisions of Article 6, Article 8, Article 10, or Article 11, Paragraph 3, of this Law, the Minister of International Trade and Industry shall inform the prefectural governor who has jurisdiction over the locality of said specified facilities of matters pertinent to notification required by said laws.

3. Recognizing that the noise produced by specified factories equipped with specified facilities pursuant to the provisions of Paragraph 1, is detrimental to the living environment in

areas surrounding said specified factories, the prefectural governor may request the Minister of International Trade and Industry to take measures in regard to said specified facilities, pursuant to the provisions of the Electric Utilities Law or the Gas Utilities Law that correspond to the provisions of Article 9 or Article 12 of this Law.

4. The Minister of International Trade and Industry shall inform the prefectural governor of the measures implemented in connection with the request made by the prefectural governor pursuant to the provisions of the preceding Paragraph.

Article 21-2
(Monitoring Noise Levels)

The prefectural governor shall be responsible for the monitoring of noise levels in designated areas.

Article 22
(Cooperation of Government Agencies Concerned)

When necessary to accomplish the objective of this Law, the prefectural governor may request the forwarding of data pertinent to the current status of specified facilities and/or specified construction work and other forms of cooperation from, and present his opinion on noise abatement to, the chief officers of the government agencies concerned and/or the chief executive of the local governments concerned.

Article 23
(National Government Assistance)

The national government shall endeavor to act as intermediary in the acquisition of funds and aid in the provision of technical and other forms of assistance necessary for the installation of or improvement in the facilities designed for abatement of noise produced by specified factories and/or specified construction work.

Article 24
(Promoting Research)

The national government shall endeavor to render support and encouragement to studies on the improvement of facilities which emit noise, on the effects of noise pollution on the living environment, and on methods of noise abatement and control, and to disseminate the results thereof.

Article 25
(Assigning Administrative Tasks)

Functions within the competence of the prefectural governor pursuant to the stipulations of this Law, may be delegated to the mayors of municipalities, subject to the pertinent Cabinet Order.

Article 26

(Deleted)

Article 27

(Relation of This Law to
Local Ordinances)

1. The stipulations of this Law shall not prevent local governments from adopting, by ordinance, their own regulatory measures for noise emitted by specified factories in designated areas in accordance with the particular local physical and social conditions.

2. The stipulations of this Law shall not prevent local governments from establishing necessary regulations by ordinance for noise emitted by factories other than specified factories or construction work other than specified construction work within designated areas.

Article 28

(Regulations on
Nighttime Noise, etc.)

For the regulation on noise caused by announcement through the use of loudspeakers and noise emitted during the nighttime operation of bars and restaurants, local government shall take measures necessary to protect the living environment, including restrictions on operating hours, in accordance with the local physical and social conditions.

Chapter VI PENALTIES

Article 29 Any party violating the orders pursuant to the stipulations of Article 12, Paragraph 2, shall be punished by penal servitude for not more than one (1) year or by a fine of not more than one hundred thousand (100,000) yen.

Article 30 Any party failing to report or falsifying the reports pursuant to the stipulations of Article 6, Paragraph 1, or violating the order pursuant to the provisions of Article 15, Paragraph 2, shall be punished by a fine of not more than fifty thousand (50,000) yen.

Article 31 Any party failing to report or falsifying reports pursuant to the provisions of Article 7, Paragraph 1; Article 8, Paragraph 1; or Article 14, Paragraph 1, or any party failing to report, or falsifying reports, or refusing, obstructing or evading inspections pursuant to the provisions of Article 20, Paragraph 1, shall be punished by a fine not more than thirty thousand (30,000) yen.

Article 32 When a representative of a juridical person or an agent, employer or any other person in the service of a juridical person or of an individual commits a violation as provided for by the preceding three (3) Articles with respect to the business of said juridical person or individual, not only shall that offender be punished but said juridical person or said individual shall also be punished by such fine as provided for by the respective Articles.

Article 33 Any party failing to report or falsifying reports pursuant to the provisions of Article 10, Article 11, Paragraph 3, Article 14; Paragraph 2, shall be liable to an fine not more than ten thousand (10,000) yen.

SUPPLEMENTARY PROVISIONS

(Date of Enforcement) 1. This Law shall come into force on a date (December 1, 1968) within six months from the date of its promulgation (June 10, 1968), provided for by Cabinet Order.

