SEOUL METROPOLITAN GOVERNMENT ORDINANCE ON FUNERAL SERVICES, ETC.

Enactment No. 3, Oct. 05, 1951
Partial Amendment No. 14, Jun. 30, 1952
Partial Amendment No. 22, Oct. 23, 1953
Partial Amendment No. 61, Jan. 31, 1955
Partial Amendment No. 115, Jan. 31, 1957
Partial Amendment No. 159, Jan. 26, 1959
Whole Amendment No. 456, Dec. 22, 1966
Partial Amendment No. 810, Dec. 15, 1973
Partial Amendment No. 924, Feb. 15, 1975
Partial Amendment No. 977, Sep. 19, 1975
Partial Amendment No. 1153, Mar. 15, 1977
Partial Amendment No. 1531, Aug. 17, 1981
Partial Amendment No. 1692, Nov. 25, 1982
Partial Amendment No. 1792, Aug. 17, 1983
Whole Amendment No. 2233, Dec. 31, 1987
Partial Amendment No. 2335, May. 07, 1988
Whole Amendment No. 2979, Jan. 13, 1993
Partial Amendment No. 3416, Aug. 11, 1997
Partial Amendment No. 3658, Jul. 31, 1999
Partial Amendment No. 3832, Jan. 05, 2001
Whole Amendment No. 4053, Jan. 10, 2003
Partial Amendment No. 4705, Nov. 13, 2008
Amendment of Other Laws No. 4743, Mar. 18, 2009
Partial Amendment No. 4973, Apr. 22, 2010
Partial Amendment No. 5043, Nov. 04, 2010
Partial Amendment No. 5298, May. 22, 2012
Partial Amendment No. 5455, Mar. 28, 2013
Partial Amendment No. 5888, May. 14, 2015
Partial Amendment No. 6276, Jul. 14, 2016
Amendment of Other Laws No. 6386, Jan. 05, 2017
Partial Amendment No. 6492, May. 18, 2017
Partial Amendment No. 6646, Sep. 21, 2017
Partial Amendment No. 7109, May. 02, 2019
Partial Amendment No. 7160, May. 16, 2019
Partial Amendment No. 7312, Sep. 26, 2019
Partial Amendment No. 7404, Dec. 31, 2019
Partial Amendment No. 7607, Jul. 16, 2020

CHAPTERGENERAL PROVISIONS

Article 1 (Purpose)

CHAPTERGENERAL PROVISIONSThe purpose of this Ordinance is to provide for matters delegated by the Act on Funeral Services, etc. and the Enforcement Decree thereof and matters necessary to establish and manage City funeral service establishments. <Amended by Ordinance No. 4705, Nov. 13, 2008>

Article 2 (Definitions)

The definitions of terms used in this Ordinance shall be as follows:

1.The term “City funeral service establishment” means any cemetery, crematory facility, charnel facility or natural burial ground that is established or managed by the Seoul Metropolitan Government (hereinafter referred to as the “City”); <Amended by Ordinance No. 4705, Nov. 13, 2008>

2.The term “reserved grave” means any grave established in a burial complex that is prepared in advance within a certain area for an improved form of burial; <Amended by Ordinance No. 4705, Nov. 13, 2008>

3.Deleted; <by Ordinance No. 4705, Nov. 13, 2008>

4.Deleted; <by Ordinance No. 4705, Nov. 13, 2008>

5. The term “user” means any person or his/her successor who is permitted to use a City funeral service establishment. In such cases, the order of succession among successors shall be governed by the Civil Act. <Amended by Ordinance No. 4705, Nov. 13, 2008>

CHAPTERIMPROVEMENT OF FUNERAL CULTURE AND DESIGNATION OF CEMETERY PRESERVES, ETC.

Article 3 (Improvement, etc. of Funeral Culture)

CHAPTERIMPROVEMENT OF FUNERAL CULTURE AND DESIGNATION OF CEMETERY PRESERVES, ETC.(1) The Mayor of the Seoul Metropolitan Government (hereinafter referred to as the “Mayor”) shall devise and implement policies to encourage the dissemination of cremation, inurnment and natural burial, so as to prevent any damage to national land that may result from an increase in the number of cemeteries. <Amended by Ordinance No. 4705, Nov. 13, 2008>

(2) The Mayor may reimburse expenses incurred in the establishment, management, etc. of public crematory facilities, public charnel facilities and public natural burial grounds of autonomous Gus. <Amended by Ordinance No. 4705, Nov. 13, 2008>

(3) The Mayor may provide support for residents in areas where funeral service establishments are located, by establishing a fund to facilitate the installation and management of City funeral service establishments. <Newly Inserted by Ordinance No. 4705, Nov. 13, 2008>

Article 4 (Composition of Committee on Examination of Cemetery Preserves)

(1) The Seoul Metropolitan Government Committee on Examination of Cemetery Preserves (hereinafter referred to as the “Examination Committee”) under Article 34 of the Act on Funeral Services, etc. (hereinafter referred to as the “Act”) and Article 27 of the Enforcement Decree of the same Act (hereinafter referred to as the “Decree”) shall be comprised of not more than 15 members, including one chairperson and one vice chairperson. <Amended by Ordinance No. 4705, Nov. 13, 2008>

(2) Members shall be appointed or commissioned by the Mayor, on the occasion of each meeting, from among related public officials, experts and those recommended by civil organizations, etc., and a majority of the members shall not be public officials of the Seoul Metropolitan Government. <Amended by Ordinance No. 4743, Mar. 18, 2009>

(3) Members shall be decommissioned simultaneously with the end of the relevant meeting. <Amended by Ordinance No. 4743, Mar. 18, 2009>

Article 5 (Designation of City Cemetery Preserves, etc.)

(1) Where, in accordance with Article 36 of the Decree, the owner or manager of a cemetery (hereinafter referred to as “cemetery owner, etc.”) files an application for the designation of a Seoul Metropolitan City cemetery preserve or grave preserve (hereinafter referred to as “City cemetery preserve, etc.”), along with a statement of review by the head of the Gu who has jurisdiction over the location of the cemetery, the Mayor may designate the relevant area as a City cemetery preserve, etc., subject to deliberation by the Examination Committee after hearing opinions from the relevant department. <Amended by Ordinance No. 4705, Nov. 13, 2008>

(2) Where the Mayor has designated a City cemetery preserve, etc. under paragraph (1), he/she shall publicize the purpose of such designation in the Gazette of the Seoul Metropolitan Government and shall deliver to the relevant cemetery owner, etc. a written designation of the relevant area as a City cemetery preserve, etc. <Amended by Ordinance No. 4705, Nov. 13, 2008>

(3) Deleted. <by Ordinance No. 4705, Nov. 13, 2008>

Article 5-2 (Standards, etc. for Designation of City Cemetery Preserves, etc.)

(1) Any cemetery or grave that the Mayor can designate as a City cemetery preserve, etc. shall be as follows: <Newly Inserted by Ordinance No. 4705, Nov. 13, 2008>

1. Cemetery or grave of local historical or cultural importance;
2. Cemetery or grave of a deceased person who has rendered distinguished service in local development or whose memory is cherished by citizens at large.

(2) Where the Mayor deems it necessary, he/she may designate and preserve remains inurned in any area other than but corresponding to any City cemetery preserve, etc. under paragraph (1). In such cases, the procedures, methods, etc. for designation shall be determined according to examples of City cemetery preserves, etc. <Newly Inserted by Ordinance No. 4705, Nov. 13, 2008>

CHAPTERESTABLISHMENT, MANAGEMENT, ETC. OF CITY FUNERAL SERVICE ESTABLISHMENTS

Article 6 (Permission to Use City Funeral Service Establishments)

CHAPTERESTABLISHMENT, MANAGEMENT, ETC. OF CITY FUNERAL SERVICE ESTABLISHMENTS(1) Any person who intends to use a City funeral service establishment shall obtain permission from the Mayor. <Amended by Ordinance No. 4705,

Nov. 13, 2008>
(2) The Mayor may determine by Enforcement Rule the order of priority in using City funeral service establishments, taking into consideration the supply and demand conditions of such establishments. <Amended by Ordinance No. 4705, Nov. 13, 2008>

Article 7 (Collection of, and Reduction of and Exemption from, Fees and Charges for Use)

(1) Any person who intends to use a City funeral service establishment shall pay fees and charges for the use and management thereof. <Amended by Ordinance No. 4705, Nov. 13, 2008>
(2) The Mayor may grant the reduction of or exemption from fees and charges for use and management to persons eligible for assistance under Article 2 of the National Basic Living Security Act and to persons of distinguished service to the State and their spouses under Article 4 of the Act on the Honorable Treatment and Support of Persons, etc. of Distinguished Services to the State, and may make a distinction between citizens of the Seoul Metropolitan City and residents in other areas in determining the fees and charges for use and management. <Amended by Ordinance No. 4705, Nov. 13, 2008>
(3) Fees and charges for the use and management of City funeral service establishments shall be as specified in the attached Table. <Amended by Ordinance No. 4705, Nov. 13, 2008>
(4) Fees and charges for use and management under paragraph (1) may be paid in cash (including credit cards, etc.) or by using revenue stamps or franking machines. <Amended by Ordinance No. 4705, Nov. 13, 2008>

Article 8 (Duty of Users to Report)

Where any of the following event takes place, the user of a City cemetery, City charnel facility or City natural burial ground shall report it to the Mayor within 30 days from the date when such event arises: <Amended by Ordinance No. 4705, Nov. 13, 2008>
1. Where he/she changes address;
2. Where he/she succeeds by inheritance to the right to use.

Article 9 (Limitation on Period of Use)

(1) The period for using a City cemetery or City charnel facility shall be 15 years. <Amended by Ordinance No. 4705, Nov. 13, 2008>
(2) Where, at the expiration of the period of use under paragraph (1), a user of a City cemetery or City charnel facility files an application for an extension of his/her period of use, the Mayor shall extend the said period up to three times, by five years each time: Provided, That an additional extension may be allowed to those prescribed by the Enforcement Rule. <Amended by Ordinance No. 4705, Nov. 13, 2008>
(3) With respect to any City cemetery or City charnel facility for which an application for extending the period of use thereof is not filed within a fixed period, the relevant remains therein shall be handled by applying mutatis mutandis Article 28 of the Act. <Newly Inserted by Ordinance No. 4705, Nov. 13, 2008>
(4) The period for using a City natural burial ground shall be 40 years. <Newly Inserted by Ordinance No. 4705, Nov. 13, 2008>

Article 10 (Extinguishment, Prohibition of Transfer, etc. of Right to Use)

(1) Where any dead body or remains are taken out of a City cemetery or City charnel facility, the right to use such cemetery or facility shall be extinguished: Provided, That taking bone dust out of a City natural burial ground shall not be allowed. <Amended by Ordinance No. 4705, Nov. 13, 2008>
(2) The right to use a City funeral service establishment shall be given to a person or his/her successor to whom such right is granted by the Mayor and shall not be sold, transferred or leased. <Amended by Ordinance No. 4705, Nov. 13, 2008>
(3) Notwithstanding paragraph (2), neither of the following cases shall be deemed to be sale or transfer: <Newly Inserted by Ordinance No. 4705, Nov. 13, 2008>
1. Transfer of title between relatives defined in subparagraph 16 of Article 2 of the Act; <Newly Inserted by Ordinance No. 4705, Nov. 13, 2008>
2. Transfer of title from any user who does not fall under any of subparagraph 16 (a) through (f) of Article 2 of the Act to any person who falls under any of subparagraph 16 (a) through (f) of Article 2 of the Act. <Newly Inserted by Ordinance No. 4705, Nov. 13, 2008>

Article 11 (Revocation, etc. of Permission for Use)

(1) The Mayor may revoke permission to use a City cemetery, City charnel facility or City natural burial ground in any of the following cases: <Amended by Ordinance No. 4705, Nov. 13, 2008>
1. Where any related Act or subordinate statute, or any provision of Articles 6, 8, 13, 14, 14-2 and 16 of this Ordinance, is violated; <Amended by Ordinance No. 4705, Nov. 13, 2008>
2. Where a fee or charge for use or management is not paid within six months from the date on which the deadline for payment thereof has passed; <Amended by Ordinance No. 4705, Nov. 13, 2008>
3. Where the relevant facility must be built, enlarged, rearranged or improved; <Amended by Ordinance No. 4705, Nov. 13, 2008>
4. Where prevention or recovery from a disaster is required. <Amended by Ordinance No. 4705, Nov. 13, 2008>
(2) Where the Mayor intends to revoke permission for use due to any cause that falls under paragraph (1) 1 or 2, he/she shall in

advance notify the relevant user, while giving him/her an opportunity to state his/her opinions within a reasonable period.
(3) Where the Mayor has revoked permission for use under paragraphs (1) and (2), he/she shall notify the relevant user thereof. <Amended by Ordinance No. 4705, Nov. 13, 2008>

Article 12 (Order to Make Removal or Reburial)

(1) Each user shall remove the relevant remains or rebury the remains buried in the grave within one year from the date when he/she is notified of the revocation of permission for use pursuant to Article 11 (3): Provided, That this shall not apply to users of City natural burial grounds. <Amended by Ordinance No. 4705, Nov. 13, 2008>
(2) Where a user fails to remove the relevant remains or to rebury the remains buried in the grave within a period specified under paragraph (1), the Mayor may remove the relevant remains or rebury them collectively in a specified place. <Amended by Ordinance No. 4705, Nov. 13, 2008>

Article 13 (Permissible Size of Grave)

The size of each grave in a City cemetery shall be as follows:
1. Reserved cemeteries: Not more than five square meters; <Amended by Ordinance No. 4705, Nov. 13, 2008>
2. Non-reserved graves: Not more than ten square meters; <Amended by Ordinance No. 4705, Nov. 13, 2008>
3. Deleted. <by Ordinance No. 4705, Nov. 13, 2008>

Article 14 (Structure, etc. of Graves)

(1) In principles, graves in City cemeteries shall have an even and flat structure in which burial mounds and gravestones do not project above the surface of the ground.
(2) Any user who intends to change the shape of a grave under paragraph (1) or to establish any gravestone or other memorial appendages for a grave shall in advance obtain approval from the Mayor.
(3) Where a user has established a grave under paragraph (1), he/she shall set up a gravestone and indicate the names, etc. of the deceased and his/her relatives, as determined by the Mayor. <Amended by Ordinance No. 4705, Nov. 13, 2008>

Article 14-2 (Methods, etc. of Natural Burial)

(1) No receptacle shall be used in making a natural burial in a City natural burial ground, and cremated bones shall be buried after being mixed with earth. <Newly Inserted by Ordinance No. 4705, Nov. 13, 2008>
(2) Markers may be installed in City natural burial grounds, as prescribed by the Enforcement Rule. <Newly Inserted by Ordinance No. 4705, Nov. 13, 2008; Ordinance No. 4973, Apr. 22, 2010>

Article 14-3 (Prevention, etc. of Damage to Natural Burial Grounds)

The Mayor shall devise measures to prevent damage to natural burial grounds due to a local torrential rainfall, fire, etc.
[This Article Newly Inserted by Ordinance No. 4705, Nov. 13, 2008]

Article 15 (Persons in Charge of Management of Graves)

(1) The following persons shall take charge of the management of graves within City cemeteries:
1. Reserved graves: Mayor; <Amended by Ordinance No. 4705, Nov. 13, 2008>
2. Non-reserved graves: Users. <Amended by Ordinance No. 4705, Nov. 13, 2008>
(2) The scope of responsibility the Mayor must assume for the management of City-reserved cemeteries, etc. shall be prescribed by the Enforcement Rule. <Newly Inserted by Ordinance No. 4705, Nov. 13, 2008>

Article 16 (Reinstatement and Reimbursement of Actual Expenses)

Where a user causes damage to any facility in a City funeral service establishment, the Mayor may direct him/her to reinstate such facility or to reimburse actual expenses incurred in such reinstatement. <Amended by Ordinance No. 4705, Nov. 13, 2008>

CHAPTERENTRUSTMENT, GUIDANCE, SUPERVISION, ETC. OF OPERATION OF CITY FUNERAL SERVICE ESTABLISHMENTS

Article 17 (Entrustment of Operation)

CHAPTERENTRUSTMENT, GUIDANCE, SUPERVISION, ETC. OF OPERATION OF CITY FUNERAL SERVICE ESTABLISHMENTS(1) The Mayor may entrust the work of establishing, managing and operating City funeral service establishments (hereinafter referred to as “operation”) to any legal entities or civil organizations that specialize in the management of public facilities. <Amended by Ordinance No. 4705, Nov. 13, 2008>
(2) Any institution entrusted with the said work may re-entrust part of the entrusted work with the Mayor’s approval if it is deemed necessary to promote efficient operation and the convenience of citizens.

Article 18 (Assistance in Operation)

If the Mayor has entrusted the operation of a City funeral service establishment pursuant to Article 17, he/she may provide a person entrusted with such operation (hereinafter referred to as “entrusted person”) with materials or funds necessary for such operation. <Amended by Ordinance No. 4705, Nov. 13, 2008>

Article 19 (Duties of Entrusted Persons)

(1) An entrusted person shall manage the entrusted work with due care as a good manager while operating such work.
(2) An entrusted person shall employ the funds, etc. provided pursuant to Article 18 only for the operation of the facility entrusted. <Amended by Ordinance No. 4705, Nov. 13, 2008>
(3) An entrusted person shall comply with the matters to be observed in accordance with related Acts and subordinate statutes and this Ordinance and the instructions given by the Mayor in connection with his/her work. <Amended by Ordinance No. 4705, Nov. 13, 2008>

Article 20 (Revocation, etc. of Entrustment)

The Mayor may take such measures as issuing corrective orders and the revocation of entrustment in any of the following cases: <Amended by Ordinance No. 4705, Nov. 13, 2008>
1. Where an entrusted person violates his/her duty under Article 19; <Amended by Ordinance No. 4705, Nov. 13, 2008>
2. Where an entrusted person is deemed as no longer having the ability to operate the relevant facility;
3. Deleted. <by Ordinance No. 4705, Nov. 13, 2008>

Article 21 (Guidance and Supervision)

(1) The Mayor may issue to entrusted persons, guidelines necessary to handle the entrusted work and oversee whether they implement such guidelines, and may issue to entrusted persons instructions necessary to perform their work.
(2) The Mayor may require entrusted persons to submit reports on the implementation of the entrusted work or may direct public officials under his/her jurisdiction to inspect the operations of the entrusted work and other account books, documents, facilities, etc.
(3) Public officials performing an inspection under paragraph (2) shall carry their certificates of authority and present them to interested persons. <Amended by Ordinance No. 4705, Nov. 13, 2008>

Article 22 (Enforcement Rule)

Necessary matters regarding the enforcement of this Ordinance shall be prescribed by the Enforcement Rule.