

SEOUL METROPOLITAN GOVERNMENT ENFORCEMENT DECREE OF THE ORDINANCE ON THE PERMISSION TO OCCUPY ROADS FOR USE AND THE COLLECTION OF FEES FOR OCCUPANCY AND USE, ETC.

Enactment No. 324, Feb. 19, 1963
Partial Amendment No. 716, Apr. 22, 1968
Whole Amendment No. 1580, Apr. 15, 1976
Partial Amendment No. 1793, Feb. 26, 1979
Partial Amendment No. 1852, Apr. 23, 1980
Partial Amendment No. 1990, Aug. 09, 1982
Partial Amendment No. 2269, Feb. 18, 1989
Partial Amendment No. 2585, Dec. 27, 1993
Partial Amendment No. 2661, Jan. 16, 1995
Partial Amendment No. 2783, Oct. 10, 1996
Partial Amendment No. 2982, Mar. 05, 1996
Partial Amendment No. 3019, Jun. 05, 1995
Partial Amendment No. 3093, Jan. 31, 2000
Partial Amendment No. 3235, Jan. 15, 2002
Partial Amendment No. 3400, Jun. 25, 2004
Partial Amendment No. 3472, Jan. 31, 2006
Partial Amendment No. 3711, Dec. 10, 2009
Partial Amendment No. 4009, Jan. 29, 2015
Amendment of Other Laws No. 4143, Feb. 23, 2017
Partial Amendment No. 4214, Apr. 05, 2018
Amendment of Other Laws No. 4303, Oct. 10, 2019

Article 1 (Purpose)

The purpose of this Ordinance is to provide for matters delegated by the Seoul Metropolitan Government Ordinance on the Permission to Occupy Roads for Use and the Collection of Fees for Occupancy and USE, etc. (hereinafter referred to as the "Ordinance") and matters necessary for the enforcement thereof.

[This Article Wholly Amended on Jan. 31, 2000]

Article 2 (Period of Collection of Fees for Occupancy and Use)

(1) Fees for occupancy and use for a road shall be collected for the period during which an occupant occupies the road for use.

(2) If a road occupied for use by a person is disused as a road, fees for occupancy and use shall be collected until the date on which the land category on the official cadastral records is changed, and then the property shall be conveyed.

[This Article Wholly Amended on Apr. 23, 1980]

Article 3 (Application for Permission for Occupancy and Use)

(1) A person who intends to obtain permission to occupy a road for use shall file an application for permission to occupy a road for use in attached Form 23 to the Enforcement Rule of the Road with the Mayor of the Seoul Metropolitan Government (hereinafter referred to as the "Mayor"), along with required documents attached thereto. <Amended on Apr. 23, 1980; Jan. 31, 2000>

(2) An occupant who intends to change any of the matters permitted pursuant to paragraph (1) shall file an application along with relevant documents necessary for the amended permission: Provided, That only an application may be filed without other accompanying documents, if the application is for permission for continuous occupancy for use (renewal of term) without a change in any of permitted matters. <Amended on Dec. 27, 1993>

(3) Deleted. <Jan. 31, 2000>

Article 4 (Disposition of Competing Applications)

(1) If applications are filed by two or more persons competing with one another for an identical place, such applications for permission shall be processed in the order of filing. <Amended on Aug. 9, 1982; Jun. 5, 1999>

(2) Where private capital is invited to be invested in facilities constructed as part of a project for public interest, the investor may be permitted to occupy the facilities for use, notwithstanding paragraph (1).

Article 5 (Permits)

When occupancy of a road for use is permitted, a permit shall be issued in attached Form 2 and, a permission register shall be prepared and kept in attached Form 3.

[This Article Wholly Amended on Apr. 23, 1980]

Article 6 (Period of Permitted Occupancy for Use)

(1) The period of permitted occupancy of a road for use shall correspond to the period prescribed by the Enforcement Decree of the Road Act. <Amended on Jun. 5, 1999>

(2) Notwithstanding paragraph (1), occupancy for use may be permitted for a reasonable period in any of the following cases:

1. The period of the permitted occupancy for use under Article 4 (2) shall be the number of years during which the invested amount can be set off against the aggregate of fees for occupancy and use and rents for facilities;

2. The period of permitted occupancy for use where the amount invested by the Seoul Metropolitan Government is recovered in a lump sum, as necessary shall be the number of years during which the recoverable amount can be set off against the aggregate of fees for occupancy and use and rents for facilities;

3. The period specified by any other Act or subordinate statute, if there is such a specified period. <Amended on Jun. 5, 1999>

[This Article Wholly Amended on Dec. 27, 1993]

(3) Paragraph (1) shall apply to renewal of any of the periods under paragraph (2) at the end of the period.

Article 7 Deleted. <Jan. 31, 2000>

Article 8 Deleted. <Apr. 23, 1980>

Article 9 Deleted. <Mar. 5, 1999>

Article 10 (Damage to Roads)

(1) The occupant of a road shall, if he/she damages the road as a consequence of his/her occupancy for use, report immediately to the Mayor on the current state of the road.

(2) The occupant of a road shall comply with Mayor's instructions on the restoration of the damaged section of the road.

Article 11 (Countermeasures against Unauthorized Occupancy for Use)

If a person occupies a road for use without permission, the Mayor may order the unauthorized occupant to restore the road to its original state and collect compensation therefor at the same time: Provided, That the Mayor may approve ex post facto and permit such occupancy for use only if he/she finds that unavoidable causes exist.

[This Article Wholly Amended on Jan. 31, 2000]

Article 11-2 (Imposition and Collection of Fines for Negligence)

(1) Deleted. <Jan. 5, 2006>

(2) Where it is intended to impose and collect a fine for negligence, an investigation shall be conducted on relevant offenses and then the notice of disposition of the fine for negligence in attached Form 4 and the payment notice of the fine for negligence in attached Form 5 shall be issued to the offender.

(3) The period given for the payment of a fine for negligence shall not exceed 30 days from the day on which the payment notice is issued, and if a person fails to pay a fine for negligence within the period, a notice of urging the payment of the fine for negligence in attached Form 6 shall be issued within 15 days after the end of the period given for the payment to urge the person to pay it within a period of ten days.

(4) If the Mayor finds that a fine for negligence imposed or collected is illegal or wrongful, he/she shall immediately cancel or amend the disposition and shall notify the relevant person of the cancellation or amendment by a notice of cancellation (amendment) of the fine for negligence in attached Form 7.

[This Article Newly Inserted on Jan. 16, 1995]

Article 11-3 (Statement of Opinions)

When the Mayor intends to impose a fine for negligence, he/she shall give the person subject to imposition of the fine for negligence or the person's representative to state his/her opinions thereon within a given period of not less than ten days. In such cases, if the person fails to make a statement of his/her opinions within the given period, he/she shall be deemed to have no objection.

[This Article Wholly Amended on Jan. 31, 2000]

Article 11-4 (Objections and Notification to Court)

(1) A person who is dissatisfied with the disposition by the Mayor of a fine for negligence may file an objection against the disposition of the fine for negligence in attached Form 8 within 30 days from the day on which a notice of the disposition is delivered.

(2) Upon receiving an objection pursuant to paragraph (1), the Mayor shall notify the competent court of the objection without delay by a notice of objection against the disposition of a fine for negligence in attached Form 9 and shall also give a notice of the fact to the person who filed the objection.

[This Article Newly Inserted on Jan. 16, 1995]

Article 11-5 (Keeping and Management of Register of Receipts of Fines for Negligence)

The Mayor shall keep and manage records of matters concerning imposition, collection, and receipt of fines for negligence in the register of receipts of fines for negligence in attached Form 10.

[This Article Newly Inserted on Jan. 16, 1995]

Article 11-6 (Provision Applicable Mutatis Mutandis)

Except as provided for in this Rule, fines for negligence shall be imposed and collected in the same manner as delinquent local taxes are collected.

[This Article Newly Inserted on Jan. 16, 1995]

Article 12 (Vicarious Execution)

If a person fails to fulfill any of his/her obligations under this Rule or any condition attached to permission, the Mayor may vicariously execute such an obligation. Expenses incurred in such cases shall be collected from the occupant.

Article 13 (Reduction of or Exemption from Fees for Occupancy and Use)

"Where the Mayor recognizes that any extenuating circumstances exist" in Article 7 (1) 4 of the Ordinance means any of the following cases:

1. Where it is found that a person is not able to pay fees for occupancy and use due to a natural disaster, incident, or any similar cause or event;
2. Where a person is determined by the Mayor to move into a refuge settlement or a collective resettlement area for inhabitants in unauthorized buildings and thus it is concluded necessary to exempt the person from fees for occupancy and use;
3. Where it is deemed necessary for reduction of or exemption from fees for occupancy and use for any other purpose of the metropolitan administration.

[This Article Wholly Amended Jan. 31, 2000]

Article 14 (Payment of Fees for Occupancy and Use, etc. in Installments)

(1) The number of installment payments of fees for occupancy and use under Article 5 (1) of the Ordinance shall not exceed four installments during one fiscal year, and each installment of fees for occupancy and use shall be collected before the beginning of the following term, except for an extraordinary case.

(2) The number of installment payments of compensation under Article 5 (1) of the Ordinance shall not exceed four installments, and the period given for full payment in installments shall not exceed one year.

[This Article Wholly Amended on Jan. 31, 2000]

Article 15 Deleted. <Dec. 27, 1993>

Article 16 Deleted. <Dec. 27, 1993>

ADDENDA <Rule No. 1580, Apr. 15, 1976>

1. This Rule shall enter into force on the date of its promulgation.
2. Actions done in connection with the permission to occupy a road for use and the collection of fees for occupancy and use before this Rule enters into force shall be deemed to have been done pursuant to this Rule.

ADDENDA <Rule No. 1793, Feb. 26, 1979>

(1) (Enforcement Date)

This Rule shall enter into force on the date of its promulgation.

(2) (Transitional Measures)

The permission granted for occupancy of a road for use and the collection of fees for occupancy and use done pursuant to previous rules before this Rule enters into force shall be deemed to have been granted or done pursuant to this Rule.

ADDENDA <Rule No. 1852, Apr. 23, 1980>

(1) (Enforcement Date)

This Rule shall enter into force on the date of its promulgation.

(2) (Transitional Measures)

The permission granted for occupancy of a road for use and the collection of fees for occupancy and use done before this Rule

enters into force shall be deemed to have been granted or done pursuant to this Rule.

ADDENDA <Rule No. 1990, Aug. 9, 1982>

(1) (Enforcement Date)

This Rule shall enter into force on the date of its promulgation.

(2) (Transitional Measures)

The permission granted for occupancy of a road for use before this Rule enters into force shall be deemed to have been granted pursuant to this Rule.

ADDENDUM <Rule No. 2269, Feb. 18, 1989>

This Rule shall enter into force on the date of its promulgation.

ADDENDA <Rule No. 2585, Dec. 27, 1993>

(1) (Enforcement Date)

This Rule shall enter into force on the date of its promulgation.

(2) (Transitional Measures)

An application filed for the permission to occupy a road for use in accordance with previous provisions before this Rule enters into force shall be deemed to have been filed in accordance with this Rule.

ADDENDA <Rule No. 2661, Jan. 16, 1995>

(1) (Enforcement Date)

This Rule shall enter into force on the date of its promulgation.

(2) (Transitional Measures)

An application filed for the permission to occupy a road for use in accordance with previous provisions before this Rule enters into force shall be deemed to have been filed in accordance with this Rule.

ADDENDA <Rule No. 2783, Oct. 10, 1996>

(1) (Enforcement Date)

This Rule shall enter into force on the date of its promulgation.

(2) (Transitional Measures concerning Applications for Permission to Occupy Roads for Use)

An application filed for the permission to occupy a road for use in accordance with previous provisions before this Rule enters into force shall be deemed to have been filed in accordance with this Rule.

(3) (Transitional Provisions concerning Administrative Fines)

Previous provisions shall apply to an administrative fine imposed before this Rule enters into force or the imposition of an administrative fine on a person who committed an offense subject to the imposition of the administrative fine before this Rule enters into force.

ADDENDUM <Rule No. 2982, Mar. 5, 1999>

This Rule shall enter into force on the date of its promulgation.

ADDENDUM <Rule No. 3019, Jun. 5, 1999>

This Rule shall enter into force on the date of its promulgation.

ADDENDA <Rule No. 3093, Jan. 31, 2000>

Article 1 (Enforcement Date)

This Rule shall enter into force on the date of its promulgation.

Article 2 (Transitional Measures)

The permission granted for occupancy of a road for use pursuant to previous rules before this Rule enters into force shall be

deemed to have been granted pursuant to this Rule.

ADDENDA <Rule No. 3233, Jan. 15, 2002>

(1) (Enforcement Date)

This Rule shall enter into force on February 1, 2002.

(2) (Applicability to Imposition of Administrative Fines)

The amended provisions of the attached Table shall apply to a person who uses a road in excess of the area permitted for occupancy of the road for use or a person who occupies a road for use without permission on or after the date this Rule enters into force.

ADDENDA <Rule No. 3400, Jun. 25, 2004>

(1) (Enforcement Date)

This Rule shall enter into force on July 21, 2004.

(2) (Applicability to Imposition of Administrative Fines)

The amended provisions of the attached Table regarding the guidelines for the imposition of administrative fines shall apply to a person who temporarily stores goods or other things on a road without permission for the occupancy of the road on or after the date this Rule enters into force.

ADDENDUM <Rule No. 3472, Jan. 5, 2006>

This Rule shall enter into force on the date of its promulgation.

ADDENDUM <Rule No. 3711, Dec. 10, 2009>

This Rule shall enter into force on the date of its promulgation.