

SEOUL METROPOLITAN GOVERNMENT ENFORCEMENT RULE OF THE ORDINANCE ON NATURAL ENVIRONMENT CONSERVATION

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Article 1 (Purpose)

The purpose of this Rule is to prescribe matters authorized under the Natural Environment Conservation Act, the Protection of Wild Fauna and Flora Act, and the Seoul Metropolitan Government Ordinance on Natural Environment Conservation and matters necessary for the enforcement thereof.

Article 2 (Observation of Changes of Ecosystem and Natural Landscape of Ecological and Landscape Conservation Area)

(1) The observation of changes (hereinafter in this Article referred to as "observation of changes") in the ecosystem and natural landscape for the formulation of a plan for management of an ecological and landscape conservation area pursuant to Article 9 (1) of Seoul Metropolitan Government Ordinance on Natural Environment Conservation (hereinafter referred to as the "Ordinance") shall be conducted for the first two years after designated as an ecological and landscape conservation area. <Amended on Apr. 29, 2010>

(2) The observation of changes pursuant to Article 9 (2) 3 of the Ordinance shall be conducted classified as follows: <Amended on Apr. 29, 2010>

1. A general observation of changes: It shall be conducted for one year every three years after the formulation of a plan for management: Provided, That it shall not be conducted in the year when it overlaps with a cycle of an accurate observation of changes;

2. An accurate observation of changes: It shall be conducted for one year every six years after the formulation of a plan for management.

(3) Notwithstanding the provisions of paragraph (2), where necessary according to ecological characteristics of an ecological and landscape conservation area, the observation of changes may be conducted. <Amended on Apr. 29, 2010>

Article 3 (Extent of Disasters)

The term "disasters prescribed by Rule" in Article 10 (2) 2, the proviso to the part other than the subparagraphs of Article 10 (3), Article 21 (2) 2 and the proviso to the part other than the subparagraphs of Article 21 (3) of the Ordinance means cases falling under any of the following subparagraphs: <Amended on Apr. 29, 2010>

1. Where collapse of or explosion, etc. in a building or structure, etc. causes injuries to human lives or property loss;
2. Where a fire breaks out;
3. Where necessary for saving human lives from other present dangers.

Article 4 (Exception to Restrictions on Acts)

(1) The term "acts prescribed by Rule" in Articles 10 (2) 3, 21 (2) 3 and 22 (1) 4 of the Ordinance means farming, fishing, gathering marine products and picking mushrooms, wild edible greens, etc. deemed ecologically sustainable and other acts corresponding thereto as acts of owners, occupants, managers, residents of land or public waters in an ecological and landscape conservation area or wild fauna and flora protected area and of residents living in the neighboring area. <Amended on Apr. 29, 2010>

(2) The term "acts prescribed by Rule" in Article 10 (2) 9 of the Ordinance means cases falling under any of the following subparagraphs: <Amended on Apr. 29, 2010>

1. Where facilities, etc. included in a plan for management in accordance with the provisions of Article 9 of the Ordinance are installed;
2. Where observation facilities, etc. required for a periodic investigation of the present status or scientific researches in the ecosystem and natural landscape of an ecological and landscape conservation area, or for the performance thereof are installed;
3. Where facilities, etc. deemed necessary for the protection of an ecological and landscape conservation area and the prevention of damage to the natural environment owing to access are installed; <Amended on Apr. 29, 2010>

4. Where necessary measures are taken for the prevention of diffusion of injurious forest insects and the control thereof owing to outbreak of injurious forest insects.

Article 5 (Application for Permission of Act in Ecological and Landscape Conservation Area)

(1) A person who intends to obtain permission of an act in an ecological and landscape conservation area pursuant to Article 10 (2) 6 of the Ordinance shall submit an application for permission of an act in Form 1 to the Mayor along with documents in which matters referred to in the following subparagraphs are included: <Amended on Apr. 29, 2010>

1. The objective of an act or the reason thereof; <Amended on Apr. 29, 2010>
2. The scale, details and period of an act; <Amended on Apr. 29, 2010>
3. A plan for the use of land in the relevant area; <Amended on Apr. 29, 2010>
4. A forecast of influence the relevant act has on the natural environment and measures for the prevention thereof; <Amended on Apr. 29, 2010>
5. A topographical map on a reduced scale of not less than 1/25,000 in which the coverage and the area of the relevant area are indicated; <Amended on Apr. 29, 2010>
6. A forest land map (limited to cases where the classification of land category is forest land) on a reduced scale of not less than 1/5,000 in which the classification of land category, the lot number, etc. of the relevant area are indicated. <Amended on Apr. 29, 2010>

(2) When the Mayor receives an application for permission for an act in accordance with the provisions of paragraph (1), he/she shall grant permission where he/she deems through the examination of documents referred to in paragraph (1) 4 that influence the relevant act has on the natural environment does not reach the extent of jeopardizing the purpose of designation of an ecological and landscape conservation area and appropriate preventive measures have been established. <Amended on Apr. 29, 2010>

(3) Where the Mayor performs a project, etc. in person or the head of a department in charge of approval or permission, etc. requests the Green Seoul Civic Committee to deliberate in accordance with the provisions of the latter part of Article 10 (2) 8 of the Ordinance, he/she shall attach documents in which matters referred to in the subparagraphs of paragraph (1) are included.

(4) An announcement pursuant to Article 10 (6) of the Ordinance shall be made by means of installation of a notice board, wide distribution of promotional materials, etc., and where the Mayor deems it necessary, he/she may take necessary measures, such as placing guides, etc. to guide matters concerning restrictions on acts before a person has access to the relevant area. <Amended on Apr. 29, 2010>

Article 6 (Inflammables Prohibited to Possess)

The term "inflammables prescribed by Rule" in Articles 10 (3) 2 and 21 (3) 2 of the Ordinance means any of the following subparagraphs: <Amended on Apr. 29, 2010>

1. Liquid the flash point of which is below 70 degrees C., such as gasoline, kerosene, etc.;
2. Spontaneously ignitable substances;
3. Gaseous fuel;

Article 7 (Acts Prohibited in Ecological and Landscape Conservation Area)

The term "acts prescribed by Rule" in Article 10 (3) 4 of the Ordinance means acts falling under any of the following subparagraphs: <Amended on Apr. 29, 2010>

1. Expelling wild animals by generating noise, light, smoke, bad smell, etc.;
2. Damaging nests or habitats of wild animals or plants; <Amended on Apr. 29, 2010>
3. Grazing of livestock;
4. Leaving of animals at large: Provided, That in cases falling under any of the following subparagraphs, a person may leave animals at large: <Amended on Apr. 29, 2010>
 - (a) Where a person rescues and treats distressed animals and leaves the same at large in the same area; <Amended on Apr. 29, 2010>
 - (b) Where the Mayor leaves animals at large in person for restoration of wild animals; <Amended on Apr. 29, 2010>
 - (c) Where the head of the relevant administrative agency leaves animals at large in consultation with the Mayor. <Amended on Apr. 29, 2010>
5. Picking, felling or withering grass, standing trees and bamboos, or spraying or injecting poisonous substances, agricultural chemicals, etc. to wither them in an ecological and landscape buffer conservation zone: Provided, That the Cultural Heritage Protection Act shall apply to cultural heritages and their protected area under the same Act, and cases where an act does not fall under acts subject to restrictions on acts pursuant to Article 10 of the Ordinance because it falls under Article 10 (2) 3 through 9 of the Ordinance shall be excluded; <Amended on Apr. 29, 2010>
6. Capturing animals or picking eggs or setting explosives, traps, snares, nets, pitfalls, etc. in an ecological and landscape buffer

conservation zone: Provided, That the Cultural Heritage Protection Act shall apply to cultural heritages and their protected area under the same Act. <Amended on Apr. 29, 2010>

Article 8 (Advance Procedures for Examination of Influence on Natural Landscape and Standards for Examination)

(1) The head of a department in charge of approval or permission of a project subject to examination of influence on the natural landscape pursuant to Article 14 (1) of the Ordinance shall request the head of natural ecology section to examine influence on the natural landscape along with a copy of an application for approval or permission of the relevant project. In such cases, where necessary, the head of natural ecology section may additionally request panoramic photographs, etc. on land subject to the relevant project taken at not less than three important view points. <Amended on Apr. 29, 2010>

(2) Where the head of natural ecology section receives a request for examination pursuant to paragraph (1), he/she shall make an examination of influence on the natural landscape according to standards for examination referred to in paragraph (4) and notify the head of a department in charge of approval or permission, etc. of the result thereof. <Amended on Apr. 29, 2010>

(3) The head of a department in charge of approval, permission, etc. shall reflect the result of examination notified pursuant to paragraph (2) in approval, permission, etc. of the relevant project. <Amended on Apr. 29, 2010>

(4) Standards for examination of influence on the natural landscape pursuant to Article 14 (3) of the Ordinance shall be in accordance with the provisions of Article 10 of the Enforcement Rules of the Natural Environment Conservation Act. <Amended on Apr. 29, 2010>

Article 9 (Measures for Protection of Protected Wild Animals and Plants)

The following matters shall be included in measures for the protection of protected wild animals and plants: <Amended on Apr. 29, 2010>

1. The present status of habitats and the geographical distribution; <Amended on Apr. 29, 2010>
2. Necessities of conservation, such as ecological characteristics, scientific importance, etc.;
3. A conservation plan, such as the protection of habitats of protected wild animals and plants, etc.;
4. Other matters necessary for the protection of protected wild animals and plants.

Article 10 (Applications for Permits for Capturing or Picking of Protected Wild Animals and Plants)

(1) A person who intends to obtain a permit for capturing, picking, etc. of protected wild animals and plants pursuant to the proviso to the part other than the subparagraphs of Article 17 (2) of the Ordinance shall submit an application for a permit in Form 2 to the Mayor along with documents which include the following matters: <Amended on Apr. 29, 2010>

1. Drawings or photographs of protective facilities (limited to cases where animals or plants require protective facilities);
2. A written plan for scientific researches or written plan for proliferation or restoration, etc. (limited to cases referred to in Article 17 (2) of the Ordinance);
3. A written plan for viewing or exhibition (limited to cases referred to in Article 17 (2) 6 of the Ordinance);
4. A written plan for migration or transplantation of protected wild animals or plants (limited to cases referred to in Article 17 (2) 7 and 9 of the Ordinance);
5. A written plan for researches concerning diagnosis, treatment or prevention of diseases (limited to cases referred to in Article 17 (2) 8 of the Ordinance);
6. Documents which may prove injuries to human lives, damage to livestock or the crops owing to protected wild animals or plants (limited to cases referred to in Article 17 (2) 9 of the Ordinance).

(2) The Mayor shall issue a permit in Form 3 to an applicant only where he/she deems that the issuance does not hinder the protection of the relevant protected wild animal or plant as a result of the examination of an application pursuant to paragraph (1). <Amended on Apr. 29, 2010>

Article 11 (Report of Custody of Protected Wild Animals or Plants)

(1) A person required to report pursuant to Article 17 (4) of the Ordinance as a person who has the custody of a protected wild animal or plant shall submit a report of custody in Form 4 to the Mayor along with documents which include the following matters: <Amended on Apr. 29, 2010>

1. Photographs of a protected wild animal or plant in custody;
 2. Drawings or photographs of protective facilities (limited to cases where animals or plants which require protective facilities).
- (2) Where the Mayor receives a report pursuant to paragraph (1), he/she shall issue a certificate of report of custody in Form 5.

<Amended on Apr. 29, 2010>

Article 12 (Acts Prohibited in Protected Area for Wild Animals or Plants)

The term "acts prescribed by Rule" in Article 21 (3) 4 of the Ordinance shall be acts falling under any of the following subparagraphs: <Amended on Apr. 29, 2010>

1. Acts referred to in subparagraphs 1 through 4 of Article 7; <Amended on Apr. 29, 2010>
2. Gathering or felling of grass, standing trees or bamboos: Provided, That in cases falling under any of the following items, a person may gather or fell grass, standing trees and bamboos: <Amended on Apr. 29, 2010>
 - (a) Where gathering or felling of grass, standing trees or bamboos is deemed necessary to continue farming that has been conducted before designation of the relevant protected area for wild animals or plants; <Amended on Apr. 29, 2010>
 - (b) Where the Mayor gathers or fells grass, standing trees or bamboos in person for the protection of wild animals or plants; <Amended on Apr. 29, 2010>
 - (c) Where the head of the relevant administrative agency gathers or fells grass, standing trees or bamboos in consultation with the Mayor. <Amended on Apr. 29, 2010>
3. Capturing of wild animals or picking of their eggs.

Article 13 (Application for Permission to Have Access to Protected Area for Wild Animals or Plants)

- (1) A person who intends to obtain permission to access pursuant to Article 22 (1) 5 of the Ordinance shall submit an application for permission to access in Form 6 to the Mayor in which the purpose of and reason for access, the number of persons to have access, the period of access, etc. are mentioned. <Amended on Apr. 29, 2010>
- (2) When the Mayor receives an application for permission to access pursuant to paragraph (1), he/she shall permit access where he/she deems that the relevant access does not hinder the protection of the protected area for wild animals or plants after examining the application. <Amended on Apr. 29, 2010>

Article 14 (Details and Methods of Natural Environment Investigation)

- (1) Details of an investigation into the natural environment pursuant to Article 26 (2) of the Ordinance shall be as follows: <Amended on Apr. 29, 2010>
 1. The present status and wide distribution of the elements of biodiversity of mountains, rivers, parks, wetlands, etc.;
 2. Characteristics of the topography, geology and natural landscape;
 3. Diversity of wild animals or plants and the conditions of distribution thereof;
 4. The present status of vegetation;
 5. The present status of inhabitation of protected wild animals or plants;
 6. Characteristics of soil;
 7. Other matters the Mayor deems as requiring special investigations for the conservation of the natural environment.
- (2) In principle, a natural environment investigator pursuant to Article 28 of the Ordinance shall make an investigation into the natural environment pursuant to Article 26 (2) of the Ordinance on the spot in person, and he/she may make a remote investigation with an airplane, satellite, etc. or indirect investigation through hearing, materials, books, etc. <Amended on Apr. 29, 2010>
- (3) The Mayor shall formulate a plan for investigation into the natural environment in which matters referred to in the following subparagraphs are included and notify the head of the relevant administrative agency and the head of the relevant Gu of the same plan by not later than ten days before the date of commencement of an investigation into the natural environment referred to in paragraph (2):
 1. The period for investigation and areas subject to investigation;
 2. Details and methods of investigation;
 3. The number of persons required for investigation and the budget thereof;
 4. Matters which require cooperation of the relevant administrative agency.

Article 15 (Close Investigation Plan and Observation of Changes of Ecosystem)

- (1) Where the Mayor makes a close investigation pursuant to Article 27 (1) of the Ordinance, he/she shall formulate a close investigation plan in which matters referred to in the subparagraphs of Article 14 (3) are included. <Amended on Apr. 29, 2010>
- (2) The observation of changes of the ecosystem pursuant to Article 27 (1) of the Ordinance shall be conducted on areas referred to in the following subparagraphs: <Amended on Apr. 29, 2010>
 1. An area rich in biodiversity;
 2. A habitat of protected wild animals or plants;
 3. Other areas highly worthy of the conservation of the natural environment.
- (3) The Mayor shall compare and analyze the results of the observation of changes in the ecosystem by year and establish necessary measures.

Article 16 (Issue of Identification Cards of Natural Environment Investigators)

Where the Mayor appoints or commissions natural environment investigators pursuant to Article 28 (1) of the Ordinance, he/she shall issue identification cards of natural environment investigators in Form 7. <Amended on Apr. 29, 2010>

Article 17 (Natural Environment Conservation and Management by Citizens)

(1) The Mayor shall issue a written designation in which the purpose of designation, an area and period of management, details of activities and matters to be observed, etc. are mentioned to a juridical person, organization or agency designated (hereinafter referred to in this Article as "designated person") for the protection and management of a mountain, river and ecological and landscape conservation area pursuant to Article 35 (1) of the Ordinance. <Amended on Apr. 29, 2010>

(2) The Mayor shall manage and assess the actual results concerning details of activities of a designated person and discover and publicize outstanding examples.

(3) Where activities of a designated person differ from the purpose of designation or he/she violates matters to be observed, the Mayor may cancel such designation.

(4) Where the Mayor cancels designation pursuant to paragraph (3), he/she shall notify the relevant designated person of the fact in writing. <Amended on Apr. 29, 2010>

Article 18 (Standards for Imposition of Fines for Negligence)

Fines for negligence pursuant to Article 39 of the Ordinance shall be as as provided for in the Table. <Amended on Apr. 29, 2010>

Article 19 (Imposition and Collection of Fines for Negligence)

(1) Where the Mayor or the head of a Gu imposes a fine for negligence pursuant to Article 39 of the Ordinance, he/she shall have sufficient corroborative facts, such as a written confirmation of violation on an offense, photographic evidence, etc. <Newly Inserted on Apr. 29, 2010>

(2) In case of a voluntary payment pursuant to Article 18 of the Act on the Regulation of Violations of Public Order and Article 5 of the Enforcement Decree of the same Act, the amount reducible shall be 20/100 of a fine for negligence to be imposed. <Newly Inserted on Apr. 29, 2010>

Article 20 Deleted. <Deleted on Apr. 29, 2010>

Article 21 Deleted. <Deleted on Apr. 29, 2010>

Article 22 Deleted. <Deleted on Apr. 29, 2010>

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