

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

Enactment No. 291, Feb. 19, 1963
Partial Amendment No. 421, Feb. 01, 1966
Partial Amendment No. 466, Feb. 01, 1967
Partial Amendment No. 504, Dec. 30, 1967
Partial Amendment No. 560, Oct. 02, 1968
Partial Amendment No. 602, Dec. 16, 1969
Whole Amendment No. 731, Sep. 30, 1972
Whole Amendment No. 1002, Dec. 31, 1975
Partial Amendment No. 1237, Apr. 28, 1978
Partial Amendment No. 1665, Aug. 09, 1982
Partial Amendment No. 2420, Feb. 18, 1989
Whole Amendment No. 3046, Nov. 30, 1993
Partial Amendment No. 3140, Oct. 31, 1994
Partial Amendment No. 3209, Jun. 10, 1995
Partial Amendment No. 3336, Oct. 05, 1996
Partial Amendment No. 3628, Jun. 30, 1999
Whole Amendment No. 3690, Nov. 15, 1999
Partial Amendment No. 4128, Jul. 15, 2003
Partial Amendment No. 4319, Sep. 30, 2005
Partial Amendment No. 4450, Nov. 20, 2006
Partial Amendment No. 4509, Apr. 17, 2007
Partial Amendment No. 4568, Oct. 01, 2007
Partial Amendment No. 4610, Mar. 12, 2008
Amendment of Other Laws No. 4629, May. 29, 2008
Partial Amendment No. 4636, May. 29, 2008
Partial Amendment No. 4672, Sep. 30, 2008
Partial Amendment No. 5113, Jul. 28, 2011
Partial Amendment No. 5194, Oct. 27, 2011
Partial Amendment No. 5346, Jul. 30, 2012
Partial Amendment No. 5597, Oct. 04, 2013
Partial Amendment No. 5689, Mar. 20, 2014
Amendment of Other Laws No. 5692, May. 14, 2014
Partial Amendment No. 5699, May. 14, 2014
Partial Amendment No. 5764, Oct. 20, 2014
Partial Amendment No. 6153, Mar. 24, 2016
Amendment of Other Laws No. 6386, Jan. 05, 2017
Amendment of Other Laws No. 6467, May. 18, 2017
Partial Amendment No. 6606, Sep. 07, 2017
Partial Amendment No. 6895, Jul. 19, 2018
Amendment of Other Laws No. 7046, Mar. 28, 2019
Amendment of Other Laws No. 7423, Dec. 31, 2019
Partial Amendment No. 7719, Oct. 05, 2020
Partial Amendment No. 8024, May. 20, 2021

Article 1 (Purpose)

The purpose of this Ordinance is to provide for matters necessary for the permission to occupy roads for use, which the Mayor of the Seoul Metropolitan Government is a management authority, and the imposition and collection of fees for occupancy and use, compensation, administrative fines, and fees pursuant to the Road Act, the Enforcement Decree of the aforesaid Act, and the Enforcement Rule of the aforesaid Act. <Amended by Ordinance No. 5699, May 14, 2014>

Article 2 (Permission to Occupy Roads for Use)

The facilities, including structures, goods, and other fixtures, subject to permission to occupy roads for use specified by the road management authority pursuant to subparagraph 12 of Article 55 of the Enforcement Decree of the Road Act (hereinafter referred to as the "Decree") are as follows: <Amended by Ordinance No. 4509, Apr. 17, 2007; Ordinance No. 4629, May 29, 2008; Ordinance No. 4672, Sep. 30, 2008; Ordinance No. 5113, Jul. 28, 2011; Ordinance No. 5699, May 14, 2014; Ordinance No. 5764, Oct. 20, 2014; Ordinance No. 6386, Jan. 5, 2017; Ordinance No. 6606, Sep. 7, 2017>

1. Deleted; <by Ordinance No. 5699, May 14, 2014>

2. Street vending stands, shoe repair stands, consolidated distribution stands for community newsletters (consolidated distribution stands for community newsletters shall be limited to those jointly produced by publishers of community newsletters); <Amended by Ordinance No. 4509, Apr. 17, 2007; Ordinance No. 4629, Mar. 12, 2008; Ordinance No. 4672, Sep. 30, 2008>
3. Facilities, etc. in traditional markets;
4. New and renewable energy facilities (limited to those established pursuant to the Seoul Metropolitan Government Ordinance on Energy);
5. Crosswalk shelters (details regarding the establishment and operation thereof shall be prescribed by rule).

Article 3 (Guidelines for Calculation of Fees for Occupancy and Use)

The guidelines for the calculation of fees for occupancy and use are in accordance with the guidelines specified in attached Table 1: Provided, That the guidelines for the calculation of fees for occupancy and use of those not prescribed in attached Table 1 shall be as specified in attached Table 3. <Amended by Ordinance No. 4319, Sep. 30, 2005; Ordinance No. 4629 May 29, 2008; Ordinance No. 4627 Sep. 30, 2008; Ordinance No. 5113, Jul. 28, 2011; Ordinance No. 5194, Oct. 27, 2011; Ordinance No. 5764, Oct. 20, 2014>

Article 4 (Imposition and Collection of Fees for Occupancy and Use, etc.)

- (1) Fees for occupancy and use shall be imposed on and collected from a person who occupies and uses a road of which the Mayor of the Seoul Metropolitan Government (hereinafter referred to as the "Mayor") is the road management authority, with permission for occupancy and use under Article 61 of the Road Act (hereinafter referred to as the "Act") and Article 52 of the Decree, and compensation shall be imposed on and collected from, pursuant to Article 72 of the Act, a person who occupies and uses such road without permission for occupancy and use <Amended by Ordinance No. 4629, May 29, 2008; Ordinance No. 4672, Sep. 30, 2008; Ordinance No. 5113, Jul. 28, 2011; Ordinance No. 5699, May 14, 2014; Ordinance No. 5764, Oct. 20, 2014>
- (2) When the Mayor intends to impose and collect fees for occupancy and use or compensation, he/she shall issue a payment notice to a person subject to payment.
- (3) Fees for occupancy and use shall be imposed and collected in the full amount for an occupancy and use period of less than one year when occupancy of a road for use is permitted, while such fees for an occupancy and use period of not less than one year shall be imposed for each fiscal year, but fees for occupancy and use for the current year shall be imposed and collected when occupancy of a road for use is permitted, and fees for occupancy and use for subsequent years shall be imposed and collected within three months from the beginning of each fiscal year. <Amended by Ordinance No. 6386, Jan 5, 2017>
- (4) Compensation shall be imposed and collected for each fiscal year within one month from the day on which unauthorized occupancy for use is discovered. <Amended by Ordinance No. 6386, Jan 5, 2017>
- (5) Deleted. <by Ordinance No. 4319, Sep. 30, 2005>

Article 5 (Payment of Fees for Occupancy and Use, etc. in Installments)

- (1) If an occupancy and use period is not less than one year or falls under any subparagraph of Article 25 (1) of the Local Tax Collection Act, fees for occupancy and use or compensation may be paid in installments. <Amended by Ordinance No. 4509, Ordinance No. 4509, Apr. 17, 2007; Ordinance No. 5133, Jul. 28, 2011; Ordinance No. 6467, May 18, 2017>
- (2) Where it is permitted to pay fees for occupancy and use or compensation in installments pursuant to paragraph (1), the interest under Article 71 (2) of the Decree shall be charged to the remaining amount: Provided, That no interest shall be charged if it is permitted to pay installments pursuant to any subparagraph of Article 25 (1) of the Local Tax Collection Act. <Amended by Ordinance No. 4319, Sep. 30, 2005; Ordinance No. 4509, Apr. 17, 2007; Ordinance No. 4672, Sep. 30, 2008; Ordinance No. 5133, Jul. 28, 2011; Ordinance No. 5699, May 14, 2014; Ordinance No. 5764, Oct. 20, 2014; Ordinance No. 6467, May 18, 2017>

Article 6 (Adjustment of Fees for Occupancy and Use, etc.)

- (1) If a person has continuously occupied a road for use for two or longer years and fees for occupancy and use per year, as calculated in accordance with attached Table 1, is increased by not less than 10/100 of the fees for occupancy and use per year paid or payable for the previous year, the fees for occupancy and use shall be the amount increased by 10/100 of the annual fees for occupancy and use paid the previous year. <Amended by Ordinance No. 5133, Oct. 27, 2011; Ordinance No. 5692. May 14, 2014; Ordinance No. 6895, Jul. 19, 2018>
- (2) Deleted. <by Ordinance No. 4450, Nov. 20, 2006>

Article 7 Deleted. <by Ordinance No. 5699, May 14, 2014>

Article 8 (Charges Additional to Fees for Occupancy and Use, etc. and Demanding for Payment)

- (1) If a person obligated to pay fees for occupancy and use or compensation fails to pay it fully within the payment deadline, such charge may be collected or demanded to pay. In such cases, Articles 21 and 23 of the National Tax Collection Act shall apply mutatis mutandis to the collection of and demanding for additional charges. <Amended by Ordinance No. 4509, Apr. 17, 2007; Ordinance No. 5699, May 14, 2014>
- (2) Deleted. <by Ordinance No. 4319, Sep. 30, 2005>

Article 9 (Waiver of Small Amount of Fees for Occupancy and Use, etc. and Return of Fees for Occupancy and Use, etc.)

(1) If fees for occupancy and use to be collected is less than 10,000 won, it shall not be imposed. <Amended by Ordinance No. 4450, Nov. 20, 2006; Ordinance No. 4672, Sep. 30, 2008; Ordinance No. 5699, May 14, 2014>

(2) If a person falling under any subparagraph of Article 66 (2) of the Act or a person permitted to occupy and use a road does not occupy the road for use or files a written report in advance to shorten the period of occupancy and use, and if the permission to occupy a road for use is cancelled pursuant to Article 97 of the Act, the portion of the fees for occupancy and use for the period during which the road has not been occupied for use, out of the fees for occupancy and use already collected, shall be returned pursuant to Article 71 (5) and (6) of the Decree. <Amended by Ordinance No. 4672, Sep. 30, 2008; Ordinance No. 5699, May 14, 2014; Ordinance No. 5764, Oct. 20, 2014>

(3) Where fees for occupancy and use or compensation mistakenly paid or overpaid is returned, the interest under Article 73 of the Enforcement Decree of the State Property Act shall be paid for the period from the day immediately following the day on which the fees for occupancy and use or compensation was mistakenly paid or overpaid to the day on which it is returned. <Amended by Ordinance No. 4319, Sep. 30, 2005; Ordinance No. 4672, Sep. 30, 2008; Ordinance No. 5513, Jul. 28, 2011; Ordinance No. 5699, May 14, 2014; Ordinance No. 6153, Mar. 24, 2016>

Article 9-2 (Imposition and Collection of Administrative Fines)

The criteria for the imposition of administrative fines where the Mayor imposes administrative fines pursuant to subparagraph 2 (a) of attached Table 7 under Article 105 of the Decree shall be as specified in attached Table 2. <Amended by Ordinance No. 5764, Oct. 20, 2014>

[This Article Newly Inserted by Ordinance No. 5194, Oct. 27, 2011]

Article 10 (Provisions Applicable Mutatis Mutandis)

Except as otherwise provided for in this Ordinance, fees for occupancy and use, compensation, and additional charges shall be imposed and collected in the same manner as delinquent local taxes are collected. <Amended by Ordinance No. 5699, May 14, 2014>

[This Article Moved from Former Article 11 and Former Article 10 is Deleted on Jul. 28, 2011]

Article 11 (Collection of Fees)

(1) A person who files an application for the permission to occupy a road for use in accordance with Article 61 of the Act shall pay a fee under Article 49 (1) 2 of the Enforcement Rule of the Road Act. <Amended by Ordinance No. 4629, May 29, 2008; Ordinance No. 4672, Sep. 30, 2008; Ordinance No. 5113, Jul. 28, 2011; Ordinance No. 5764, Oct. 20, 2014>

(2) Article 68 shall apply mutatis mutandis to reduction of or exemption from the fees under paragraph (1). <Amended by Ordinance No. 4672, Sep. 30, 2008; Ordinance No. 5699, May 14, 2014; Ordinance No. 6153, Mar. 24, 2016>

(3) A fee shall be collected at the time when an application is filed for the permission to occupy a road for use and shall be collected by the head of an autonomous Gu who accepts the application for the permission pursuant to the Seoul Metropolitan Government Ordinance on Delegation of Administrative Affairs. In such cases, such fee shall be accounted for as the revenue of the autonomous Gu, irrespective of to whom the revenue of fees for occupancy and use is attributable. <Amended by Ordinance No. 5699, May 14, 2014>

[This Article Moved from Former Article 12 on Jul. 28, 2011]

Article 12 (Revenue and Collection Grant)

(1) Fees for occupancy and use and compensation collected by each autonomous Gu pursuant to the Seoul Metropolitan Government Ordinance on Delegation of Administrative Affairs shall be accounted for as the revenue of the Seoul Metropolitan Government. <Amended by Ordinance No. 4672, Sep. 30, 2008>

(2) When the Mayor pays fees for occupancy and use and compensation collected by autonomous Gu to the Seoul Metropolitan Government, he/she grant an amount under any of the following subparagraphs to the autonomous Gu for collection expenses, etc.: <Amended by Ordinance No. 4128, Jul. 15, 2003; Ordinance No. 4509, Apr. 17, 2007>

1. In cases of fees for occupancy and use: 50/100;

2. In cases of compensation: 40/100.

(3) Grants for collection under paragraph (2) shall be quarterly paid based on the results as of the end of each quarter. <Amended by Ordinance No. 4672, Sep. 30, 2008>

[This Article Moved from Former Article 13 on Jul. 28, 2011]

Article 13 (Enforcement Rule)

Matters necessary for the enforcement of this Ordinance shall be prescribed by rule.

[This Article Moved from Former Article 13 on Jul. 28, 2011]

ADDENDA

Article 1 (Enforcement Date)

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

Article 2 (Applicability to Imposition and Collection of Fees for Occupancy and Use)

The amended provisions of the attached Table shall apply to fees for occupancy and use imposed on or after the date this Ordinance enters into force.

Article 3 (Applicability to Revenue)

The amended provisions of Article 11 (1) shall apply to the fees for occupancy and use and compensation imposed on or after January 1, 2000.

ADDENDUM <Ordinance No. 4128, Jul. 15, 2003>

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

ADDENDUM <Ordinance No. 4319, Sep. 30, 2005>

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

ADDENDA <Ordinance No. 4450, Nov. 20, 2006>

(1) (Enforcement Date)

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

(2) (Transitional Measure)

Dispositions, proceedings, and other acts made or done pursuant to previous provisions before this Ordinance enters into force shall be deemed to have been made or done pursuant to this Ordinance.

ADDENDA <Ordinance No. 4509, Apr. 17, 2007>

(1) (Enforcement Date)

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

(2) (Applicability to Guidelines for Calculation of Fees for Occupancy and Use)

The amended provisions of attached Table 1 shall apply to fees for occupancy and use imposed on or after the date this Ordinance enters into force.

ADDENDUM <Ordinance No. 4568, Oct. 1, 2007>

This Ordinance shall enter into force on January 1, 2008.

ADDENDUM <Ordinance No. 4610, Mar. 12, 2008>

(1) (Enforcement Date)

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

(2) (Transitional Measures concerning Guidelines for Calculation of Fees for Occupancy and Use of Street Stall)

Amended provisions of attached Table 1 regarding guidelines for calculation of fees for occupancy and use of street stall shall apply to fees for occupancy and use first calculated after this Ordinance enters into force.

ADDENDUM <Ordinance No. 4629, May 29, 2008>

Article 1 (Enforcement Date)

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

ADDENDA <Ordinance No. 4636, May 29, 2008>

(1) (Enforcement Date)

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

(2) (Transitional Measure concerning Guidelines for Calculation of Fees for Occupancy and Use of Street Stall)

The amended provisions of attached Table 1 concerning the guidelines for the calculation of fees for occupancy and use for street stall shall apply to fees for occupancy and use imposed on or after the date this Ordinance enters into force.

ADDENDA <Ordinance No. 4672, Sep. 30, 2008>

Article 1 (Enforcement Date)

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

Article 2 (Applicability to Calculation of Fees for Occupancy and Use)

The calculation of fees for occupancy and use in accordance with the amended provisions of attached Table 1 shall apply to the fees for occupancy and use imposed on or after the date this Ordinance enters into force.

ADDENDUM <Ordinance No. 5113, Jul. 28, 2011>

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

ADDENDUM <Ordinance No. 5194, Oct. 27, 2011>

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

ADDENDA <Ordinance No. 5346, Jul. 30, 2012>

Article 1 (Enforcement Date)

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

Article 2 (Applicability)

The provisions on street vending stands, shoe repair stands, street stalls among the amended provisions of subparagraph 7 of attached Table 1 referred to in Article 3 shall be applicable from January 1, 2013.

ADDENDA <Ordinance No. 5597, Oct. 4, 2013>

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures)

Fees for occupation and use under subparagraphs 7 and 10 of attached Table 1 which have been imposed before this Ordinance enters into force shall be deemed to have been imposed under this Ordinance.

ADDENDA <Ordinance No. 5689, Mar. 20, 2014>

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures)

Fees for occupation and use of consolidated distribution stands for community newsletters under subparagraphs 7 of attached Table 1 which have been imposed before this Ordinance enters into force shall be deemed imposed under this Ordinance.

ADDENDA <Ordinance No. 5692, May 14, 2014>

Article 1 (Enforcement Date)

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

Articles 2 and 3 Omitted.

ADDENDA <Ordinance No. 5699, May 14, 2014>

Article 1 (Enforcement Date)

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

Article 2 (Applicability)

The provisions of subparagraph 4 of attached Table 2 of the Decree concerning the guidelines for the calculation of fees for occupancy and use of access and entrance road of less than 10 parking spaces of incidental parking lots relevant to Article 3 shall be applicable from January 1, 2015.

ADDENDA <Ordinance No. 5764, Oct. 20, 2014>

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

ADDENDA <Ordinance No. 6153, Mar. 24, 2016>

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

ADDENDA <Ordinance No. 6386, Jan. 5, 2017>

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

ADDENDA <Ordinance No. 6467, May 18, 2017>

Article 1 (Enforcement Date)

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

Articles 2 and 4 Omitted.

ADDENDA <Ordinance No. 6606, Sep. 7, 2017>

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

ADDENDA <Ordinance No. 6895, Jul. 19, 2018>

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