

SEOUL METROPOLITAN GOVERNMENT ORDINANCE ON USE AND MANAGEMENT OF THE SEOULLO 7017 AREA

Enactment No. 6548, Jul. 13, 2017
Amendment of Other Laws No. 6851, Mar. 22, 2018
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Article 1 (Purpose)

The purpose of this Ordinance is to provide a safe and pleasant green environment to pedestrians by providing for matters, etc. necessary for using and managing the Seouullo 7017 area.

Article 2 (Definitions)

The terms used in this Ordinance shall be defined as follows:

1. The term "Seouullo 7017 area (hereinafter referred to as the "Seouullo")" means the pedestrian overpass, the ground squares underneath the overpass, and auxiliary facilities thereon, installed in an area stretching from 527, Namdaemun-ro 5-ga, Jung-gu to 62, Manri-dong 1-ga, Jung-gu in Seoul;
2. The term "use" means fully or partially utilizing all or some of the ground squares, auxiliary facilities, etc. on the Seouullo, except the pedestrian overpass, including temporary restrictions on free passage of multiple unspecified people in exceptional circumstances.

Article 3 (Mayor's Responsibilities)

- (1) The Mayor of the Seoul Metropolitan Government (hereinafter referred to as the "Mayor") shall create a pedestrian environment in which citizens can safely and freely walk along the Seouullo.
- (2) The Mayor shall manage the Seouullo appropriately so that citizens can utilize it as a space for recreational activities, cultural activities, public events, etc.

Article 4 (Relationship to Other Ordinances)

Except as otherwise provided for in other municipal ordinances, the provisions of this Ordinance shall apply to the use and management of the Seouullo.

Article 5 (Entrustment of Administrative Affairs)

- (1) In order to efficiently maintain and manage the Seouullo, the Mayor may partially entrust administrative work for managing the Seouullo to a corporation or organization.
- (2) The Seoul Metropolitan Government Ordinance on Entrustment Administrative Affairs to the Private Sector shall apply mutatis mutandis to the procedure, method, etc. necessary for the entrustment under paragraph (1).

Article 6 (Installation and Operation of Convenience Facilities)

- (1) The Mayor may install and operate convenience facilities on the Seouullo in order to provide convenience to pedestrians, etc.
- (2) If deemed necessary for efficiently operating the convenience facilities installed under paragraph (1), the Mayor may permit a corporation, organization, or individual to operate such facilities by applying mutatis mutandis the Seoul Metropolitan Government Ordinance on Public Property and Commodity Management; and may issue occupancy and use permits under the Seoul Metropolitan Government Ordinance on the Permission to Occupy Roads for Use and the Collection of Fees for Occupancy and Use, Etc.

Article 7 (Implementation of Programs to Promote Using Seouullo)

- (1) The Mayor may implement the following programs to promote using the Seouullo:
 1. Exhibitions, public performances, nature exploration, campaigns, and public events for boosting the local economy, etc.;
 2. Other programs, etc., the Mayor deems necessary.
- (2) If necessary, the Mayor may authorize a corporation, organization, or individual to conduct any of the programs specified in paragraph (1); and may subsidize such corporation, organization, or individual for necessary expenses in such cases, within the

budget.

Article 8 (Application for Usage Permit)

A person who intends to use the Seouullo for a special purpose, such as an event or public performance, shall file an application for Seouullo 7017 usage permit in attached Form 1, with the Mayor by not later than seven days before the date the person intends to use the Seouullo (hereinafter referred to as "date of use") but not earlier than 60 days before the date of use.

Article 9 (Permit to Use, etc.)

(1) Upon receipt of an application under Article 8, the Mayor shall examine the following matters and shall determine whether to issue a permit, within seven days from the filing date:

1. Whether the intended use violates the purpose of creating the Seouullo;
2. Whether the intended use substantially hinders free passage of pedestrians;
3. Whether the intended use is restricted under any other statute.

(2) When the Mayor issues a usage permit, he/she shall notify the person who filed an application under Article 8 (hereinafter referred to as "applicant") of the details of the usage permit and may attach to the permit, conditions necessary for maintaining the public order. In such cases, the person notified of the usage permit (hereinafter referred to as "user") shall fulfill the conditions attached to the usage permit.

(3) Upon receipt of at least two applications for Seouullo 7017 usage permit for the same date or for the same place, the Mayor shall issue a permit in the order the applications are received: Provided, That the Mayor may issue a permit in the following orders of priority, in any of the following cases, regardless of the order the applications are received:

1. An event held by the State or a local government for the public interest;
2. A nonprofit cultural or artistic event, such as a public performance or exhibition;
3. An event for children, juveniles, women, or persons aged at least 65 years.

(4) When the Mayor denies a usage permit, he/she shall clearly notify the applicant of the reasons for denial in writing.

Article 10 (Revocation, Amendment, etc. of Usage Permit)

(1) In any of the following cases, the Mayor may revoke or amend a usage permit, suspend the use, or take other necessary measures:

1. If the area is used for other than the permitted purpose;
2. If the user breaches any of the conditions attached to the permit;
3. If the use violates any provision of a relevant statute;
4. If the use contravenes morality or any other social norm;
5. If it is clearly foreseen on any other ground that the use is likely to harm the lives, bodies, or property of pedestrians, etc.

(2) The Mayor may amend a usage permit even after issuing it, if it is necessary for the State or the Seoul Government to use the area for the public interest or if the amendment is necessary for ensuring citizens' safety or maintaining the public order or for any other purpose.

(3) When the Mayor revokes or amends a usage permit or suspends the use under paragraphs (1) 4 and 5 and (2), he/she may seek the opinion of the Seouullo 7017 Operation Committee established pursuant to Article 16.

Article 11 (Usage Fee)

(1) The usage fee prescribed by rule within the limits specified in attached Table 1 shall be collected from those using the Seouullo: Provided, That a user may be exempt from the usage fee in either of the following cases:

1. An event held by the State or a local government;
2. Where the Mayor deems it necessary for the public interest, such as promoting culture or art.

(2) A user shall pay the usage fee under paragraph (1) to the Mayor within five days from the date the user is notified of the usage permit: Provided, That the Mayor may allow a user to pay the fee by not later than the day immediately before the date of use, if he/she deems it necessary.

(3) If a user fails to use the Seouullo due to unavoidable circumstances, the Mayor may fully or partially refund the collected usage fee: Provided, That the foregoing shall not apply where the user is culpable for the failure.

(4) Article 10 of the Local Autonomy Act shall apply to the procedures for collecting usage fees and filing objections, except as otherwise provided for in this Ordinance.

Article 12 (Reinstatement)

(1) After using the Seouullo, a user shall remove structures installed by him/her; shall clean the area; and shall take other measures

necessary for reinstating the area.

(2) If a user damages the Seouullo, the Mayor may claim that the user take necessary measures, such as compensation for such damage.

Article 13 (Restrictions on Activities)

(1) No person shall engage in any of the following activities in the Seouullo:

1. Throwing any thing into or out of (road, railroad, etc.) the Seouullo;
2. Drinking alcoholic beverage or smoking at any place other than designated places;
3. Dumping waste without permission, playing with fire, cooking, urinating on the street or path, scrawling graffiti, or damaging any facility;
4. Damaging or killing plants;
5. Creating loud noise or odor or engaging in any other offensive behavior;
6. Substantially jeopardizing facilities or works or disrupting the public order in the use of the area.

(2) No person shall engage in any of the following activities in the Seouullo without the Mayor's permission:

1. Commercial activities by street vendors or street stalls;
2. Passage of wheeled vehicles, except maintenance vehicles, baby carriages, and wheelchairs.

Article 14 (Administrative Guidance)

The Mayor may provide administrative guidance for the activities specified in Article 13.

Article 15 (Removal, etc.)

(1) If any person uses or occupies the Seouullo without permission, the Mayor may order the person to remove facilities such person installed or to take other necessary measures.

(2) If any person fails to comply with an order issued under paragraph (1), the Mayor may remove facilities and take other measures under the Administrative Vicarious Execution Act; and may recover expenses incurred in taking such measures from the person.

(3) Where it is impracticable to attain the intended objectives despite following the procedures prescribed in Article 3 (1) and (2) of the Administrative Vicarious Execution Act in either of the following cases, the Mayor may remove objects, etc. placed in the area or take other necessary measures under Article 74 of the Road Act:

1. Where a person repeatedly and habitually occupies and uses the Seouullo pedestrian overpass without an occupancy and use permit;
2. Where it is necessary to promptly take measures necessary for ensuring safety in passage along the Seouullo pedestrian overpass.

Article 16 (Establishment of Seouullo 7017 Operation Committee)

In order to deliberate, and seek advice, on the following matters regarding maintaining, managing and using the Seouullo, the Mayor shall establish the Seouullo 7017 Operation Committee (hereinafter referred to as the "Committee"):

1. Direction-setting for, and implementing, policies for operating and managing the Seouullo;
2. Managing and operating facilities installed in the Seouullo area;
3. Formulating and amending essential plans for the Seouullo;
4. Implementing programs to promote using the Seouullo and cooperation between the public and private sectors;
5. Other matters the Mayor deems necessary.

Article 17 (Composition of Committee)

(1) The Committee shall be comprised of not more than 15 members, including one chairperson and one vice chairperson, and the ratio of commissioned committee members from a particular gender shall not exceed 60 percent of all committee members

(2) The chairperson and vice chairperson of the Committee shall be elected by and from among committee members.

(3) Public officials at Director-General level in the Green Seoul Bureau of the Seoul Metropolitan Government shall serve as ex officio members; while commissioned members shall be commissioned by the Mayor, from among the following persons:

1. Council members recommended by the Seoul Council;
2. Experts in safety, business management, culture, design, urban planning, landscaping, or any other relevant field or persons abundantly experienced in the relevant field;
3. Residents, merchants, industrialists, etc. who have domicile or a place of business in the area surrounding the Seoul Railroad Station.

(4) The Committee shall have an executive secretary to authorize him/her to perform administrative work of the Committee; and the head of the division responsible for maintaining and managing the Seoulo shall serve as the executive secretary.

Article 18 (Term of Office of Committee Members)

(1) The term of office of committee members shall be two years; and such term may be renewed only once consecutively: Provided, That the term of office of a committee member appointed from among public officials shall be limited to the term of his/her service in the relevant position.

(2) In any of the following cases, the Mayor may dismiss a committee member from office if:

1. a committee member wishes to be dismissed from office;
2. a committee member is unable to perform his/her duties due to a mental or physical disorder;
3. a committee member is found incompetent for office due to neglecting duty or indecent conduct or other ground.

Article 19 (Duties of Chairperson, etc.)

(1) The chairperson shall represent the Committee and administer all affairs of the Committee.

(2) The vice chairperson shall assist the chairperson and act on behalf of the chairperson, if the chairperson is unable to perform his/her duties due to unavoidable circumstances.

Article 20 (Operation)

(1) Meetings of the Committee shall be classified as regular meetings and special meetings; regular meetings shall be held at least twice annually, while a special meeting shall be called by the chairperson, when the chairperson deems it necessary or upon request from at least 1/3 of the current committee members.

(2) A majority of the members of the Committee shall constitute a quorum, and any resolution thereby shall require the concurring votes of at least a majority of those present.

(3) In principle, meetings of the Committee shall be open to the public.

(4) Allowances, travel expenses, and other necessary expenses may be reimbursed to the members who attend meetings of the Committee, within the budget, according to the Seoul Metropolitan Government Ordinance on the Payment of Committee Allowances and Travel Expenses.

Article 21 (Name and Logo Usage License)

(1) The logos of the Seoulo are the brands symbolizing the Seoulo as prescribed in attached Table 2.

(2) A person who wishes to attach the name and logos of the Seoulo specified in attached Table 2 to goods, etc. he/she produces, or to use such name and logos (hereinafter referred to as "user") shall file an application for a usage license in attached Form 2, with the Mayor to obtain approval therefor.

(3) When a user intends to change any of the matters approved under paragraph (2), he/she shall file an application to amend a name and logo usage license in attached Form 3, with the Mayor by not later than 30 days before the scheduled date of change to obtain approval therefor.

(4) If a user contravenes any of the specified purposes of use or degrades the name and logos after obtaining a name and logo usage license, the Mayor may revoke the usage license, upon recommendation by the Committee.

Article 22 (Usage Fees for Name and Logos)

(1) The Mayor may collect usage fees from a person who has obtained a usage license of the name and logos of the Seoulo under Article 21.

(2) The usage fee rates, the timing for paying such fees, the method of payment, etc. shall be stipulated by a mutual agreement.

(3) In any of the following cases, the Mayor may exempt a person from usage fees:

1. Where the area is used for events, etc. sponsored by the Seoul Government;
2. Where the area is used by a government agency, local government, or educational institution;
3. Where the area is used for the public interest by a public institution, nonprofit non-governmental organization, or nonprofit corporation;
4. Other cases the Mayor deems necessary.

Article 23 (Enforcement Rule)

Matters necessary for enforcing this Ordinance shall be prescribed by rule.