

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

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

CHAPTER I GENERAL PROVISIONS The purpose of this Ordinance is to provide for matters mandated 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: <Amended by Ordinance No. 4705, Nov. 13, 2008>

1. The term "City funeral service establishment" means any cemetery, crematory facility, chanel facility, or natural burial ground that is established or managed by the Seoul Metropolitan Government (hereinafter referred to as the "Seoul Government");
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. and 4. Deleted; <by Ordinance No. 4705, Nov. 13, 2008>
5. The term "user" means any person or his or 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.

CHAPTER II IMPROVEMENT OF FUNERAL CULTURE AND DESIGNATION OF PRESERVED CEMETERIES

Article 3 (Improvement of Funeral Culture)

CHAPTER II IMPROVEMENT OF FUNERAL CULTURE AND DESIGNATION OF PRESERVED CEMETERIES(1) To establish a desirable funeral culture, the Mayor of the Seoul Government shall formulate and implement the following policies: <Amended by Ordinance No. 4705, Nov. 13, 2008; Ordinance No. 6492, May 18, 2017>

1. Stably supplying funeral facilities within his or her jurisdiction and improving such facilities;
 2. Promoting a culture of cremation, inurnment, and natural burial to prevent any damage to national land that may result from an irrational increase in private cemeteries.
 3. Educational and promotional activities to establish a sound funeral culture;
 4. Activities to encourage and promote the use of environment-friendly funeral goods;
 5. Disaster prevention measures for funeral facilities to manage the facilities safely from disasters.
- (2) The Mayor may subsidize expenses incurred in establishing, managing, etc. public crematory facilities, public charnel facilities and public natural burial grounds of autonomous Gus. <Amended by Ordinance No. 4705, Nov. 13, 2008; Ordinance No. 5888, May 14, 2015>
- (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 the Committee on Examination of Preserved Cemeteries)

- (1) The Seoul Metropolitan Government Committee on Examination of Preserved Cemeteries (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; Ordinance No. 5888, May 14, 2015>
- (4) Allowances and travel expenses shall be paid to members who attend a meeting of the Examination Committee within the budget: Provided, That this shall not apply where a member, who is a public official, attends a meeting thereof in direct relationship with his or her duties. <Newly Inserted by Ordinance No. 6646, Sep. 21, 2017>

Article 5 (Designation of City Preserved Cemeteries)

- (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 preserved cemetery or preserved grave (hereinafter referred to as "City preserved cemetery, etc."), along with a statement of review by the head of a Gu who has jurisdiction over the location of the cemetery, the Mayor may designate the relevant area as a City preserved cemetery, etc., following deliberation by the Examination Committee after hearing opinions from the relevant department. <Amended by Ordinance No. 4705, Nov. 13, 2008>
- (2) Upon designating a City preserved cemetery, etc. under paragraph (1), the Mayor shall publish the purpose of such designation in the Official 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 preserved cemetery, etc. <Amended by Ordinance No. 4705, Nov. 13, 2008; Ordinance No. 5888, May 14, 2015>
- (3) Deleted. <by Ordinance No. 4705, Nov. 13, 2008>

Article 5-2 (Standards for Designation of City Preserved Cemeteries)

- (1) Any cemetery or grave that the Mayor can designate as a City preserved cemetery, etc. shall be as follows: <Newly Inserted by Ordinance No. 4705, Nov. 13, 2008; Ordinance No. 5888, May 14, 2015; Ordinance No. 6646, Sep. 21, 2017>
1. A cemetery or grave of local historical or cultural importance;
 2. A cemetery or grave of a deceased person who has rendered distinguished service in local development or whose memory is cherished by citizens at large;
 3. A cemetery or grave contributable to enhancing the spirit of local patriotism.
- (2) Where the Mayor deems it necessary, he or she may designate and preserve remains inurned in any area other than but corresponding to any City preserved cemetery, etc. under paragraph (1). In such cases, the procedures, methods, etc. for designation shall be determined according to the examples of City preserved cemeteries, etc. <Newly Inserted by Ordinance No. 4705, Nov. 13, 2008>

CHAPTER III ESTABLISHMENT AND MANAGEMENT OF CITY FUNERAL SERVICE

ESTABLISHMENTS

Article 6 (Permission to Use City Funeral Service Establishments)

CHAPTER III ESTABLISHMENT AND MANAGEMENT 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; Ordinance No. 5888, May 14, 2015>

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

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

(1) Any person who intends to use a City funeral service establishment shall pay fees for the use and management thereof. <Amended by Ordinance No. 4705, Nov. 13, 2008; Ordinance No. 5888, May 14, 2015>

(2) The Mayor shall grant a full reduction of, or exemption from, fees for use and management, to persons who have made a sacrifice or contribution under the Framework Act on Veterans Affairs, deceased noble persons under the Act on Honorable Treatment of and Support for Persons Who Died or Were Injured for Public Good, recipients of livelihood benefits under Article 7 (1) 1 of the National Basic Living Security Act, or recipients of medical benefits under Article 7 (1) 3 of the same Act; and may make a distinction between citizens of the Seoul Metropolitan Government and residents in other areas in determining the fees and charges for use and management. <Amended by Ordinance No. 4705, Nov. 13, 2008; Ordinance No. 6276, Jul. 14, 2016; Ordinance No. 6386, Jan. 5, 2017; Ordinance No. 7160, May 16, 2019>

(3) The Mayor shall apply fees for use, which are applicable to citizens of the Seoul Metropolitan Government, to a person whose final address is in the Seoul Metropolitan Government (including residents of Goyang-Si and Paju-Si), among persons whose resident registration has been cancelled.

(4) Fees for the use and management of City funeral service establishments shall be as specified in the attached Table: Provided, That any person who uses a simple payment system for micro enterprises (referring to a payment system operated by agencies designated by the Minister of SMEs and Startups to lower payment fees for micro enterprises) to pay the fees for a crematory facility, charnel house or natural burial ground may benefit from the reduced fees within the limit of 5/100, as prescribed by the Mayor. <Amended by Ordinance No. 7109, May 2, 2019>

(5) Fees for use and management specified in paragraph (1) may be paid in cash (including credit cards, etc.) or by using revenue stamps or franking machines.

(6) Where a person permitted to use a City funeral service establishment abandons the use of the establishment and returns it, the Mayor shall refund fees for the use and management thereof, for the remaining period. <Newly Inserted by Ordinance No. 6276, Jul. 14, 2016>

(7) Matters necessary for refunding fees for use and management pursuant to paragraph (6) and other matters shall be prescribed by rule of the Seoul Government. <Newly Inserted by Ordinance No. 6276, Jul. 14, 2016>

[This Article Wholly Amended by Ordinance No. 5455, Mar. 28, 2013]

[Paragraph 4 of this Article shall remain in effect until December 31, 2019 pursuant to Article 2 of the Addenda to this Ordinance (No. 7109)]

Article 8 (Duty of Users to Report)

Where any of the following events 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 or she changes address;
2. Where he or 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 the period of use, the Mayor shall extend the period only three times, by five years each time: Provided, That an additional extension may be allowed to those prescribed by rule of the Seoul Government. <Amended by Ordinance No. 4705, Nov. 13, 2008; Ordinance No. 5888, May 14, 2015>

(3) Article 28 of the Act shall apply mutatis mutandis to handling of 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. <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 and Prohibition of Transfer 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 to whom such right is granted by the Mayor or his or her successor 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;
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.

Article 11 (Revocation 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; Ordinance No. 5888, May 14, 2015>

1. Where any related statute or regulation, or any provision of Articles 6, 8, 13, 14, 14-2 and 16 of this Ordinance, is violated;
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;
3. Where the relevant facility must be built, enlarged, rearranged or improved;
4. Where prevention or recovery from a disaster is required.

(2) To revoke permission for use due to any cause specified in paragraph (1) 1 or 2, the Mayor shall in advance notify the relevant user, while giving him or her an opportunity to state his or her opinions within a reasonable period. <Amended by Ordinance No. 5888, May 14, 2015; Ordinance No. 6386, Jan. 5, 2017>

(3) Upon revoking permission for use under paragraphs (1) and (2), the Mayor shall notify it to the relevant user. <Amended by Ordinance No. 4705, Nov. 13, 2008; Ordinance No. 6386, Jan. 5, 2017>

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 or 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;
2. Non-reserved graves: Not more than 10 square meters;
3. Deleted. <by Ordinance No. 4705, Nov. 13, 2008>

Article 14 (Structure of Graves)

(1) In principles, graves in City cemeteries shall have an even and flat structure (referring to a grave 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 specified in paragraph (1) or to establish and use any gravestone or other memorial appendages for a grave shall obtain prior approval from the Mayor. <Amended by Ordinance No. 5888, May 14, 2015>

(3) Where a user has established a grave under paragraph (1), he or she shall set up a gravestone and indicate the names, etc. of the deceased and his or her relatives, as determined by the Mayor. <Amended by Ordinance No. 4705, Nov. 13, 2008>

Article 14-2 (Methods 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.

(2) Markers may be installed in City natural burial grounds, as prescribed by rule of the Seoul Government. <Amended by Ordinance No. 4973, Apr. 22, 2010>

[This Article Newly Inserted by Ordinance No. 4705, Nov. 13, 2008]

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

The Mayor shall take measures to prevent damage to natural burial grounds that may occur due to a local torrential rainfall, fire, etc. <Amended by Ordinance No. 5888, May 14, 2015>

[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: <Amended by Ordinance No. 4705, Nov. 13, 2008>

1. Reserved graves: The Mayor;

2. Non-reserved graves: Users.

(2) The scope of responsibility the Mayor must assume for the management of City-reserved cemeteries, etc. shall be prescribed by rule of the Seoul Government. <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 order him or her to reinstate such facility or to reimburse actual expenses incurred in such reinstatement. <Amended by Ordinance No. 4705, Nov. 13, 2008; Ordinance No. 5888, May 14, 2015>

CHAPTER IV ENTRUSTMENT, GUIDANCE, AND SUPERVISION OF OPERATION OF CITY FUNERAL SERVICE ESTABLISHMENTS

Article 17 (Entrustment of Operation)

CHAPTER IV ENTRUSTMENT, GUIDANCE, AND SUPERVISION 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 corporation or private organization that specializes 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 deemed necessary to promote efficient operation and the convenience of citizens. <Amended by Ordinance No. 5888, May 14, 2015>

Article 18 (Assistance in Operation)

If the Mayor has entrusted the operation of a City funeral service establishment pursuant to Article 17, he or 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 during the period of entrustment of operation.

(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 statutes and regulations and this Ordinance and the instructions given by the Mayor in connection with his or her affairs. <Amended by Ordinance No. 4705, Nov. 13, 2008>

Article 20 (Revocation of Entrustment)

The Mayor may take measures, such 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 or her duty under Article 19;
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) Where necessary, the Mayor may notify entrusted persons of guidelines to handle the entrusted work and oversee whether they implement such guidelines, or may issue to entrusted persons instructions necessary to perform their work. <Amended by Ordinance No. 5888, May 14, 2015; Ordinance No. 6386, Jan. 5, 2017>

(2) The Mayor may require entrusted persons to submit reports on the implementation of the entrusted work or may direct public officials under his or her jurisdiction to inspect the operations of the entrusted work and other account books, documents, facilities, etc. <Amended by Ordinance No. 6386, Jan. 5, 2017>

(3) Public officials performing an inspection under paragraph (2) shall carry an identification indicating their authority and present it to interested persons. <Amended by Ordinance No. 4705, Nov. 13, 2008>

Article 22 (Rules)

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

ADDENDA

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures concerning Fees for Use)

The fees for use referred to in the amended provisions of Article 7 shall be governed by the previous provisions until the Enforcement Rule under this Ordinance is enacted.

Article 3 (Transitional Measures concerning Entrustment of Operation)

The operation of any City cemetery, etc. that is entrusted pursuant to the previous provisions as at the time this Ordinance enters into force shall be deemed entrusted pursuant to this Ordinance.

ADDENDA <Ordinance No. 4705, Nov. 13, 2008>

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures concerning Reserved Cemeteries)

Any reserved cemetery, non-reserved cemetery, or charnel facility the use of which is permitted pursuant to the previous provisions as at the time this Ordinance enters into force shall be deemed a reserved grave, non-reserved grave, or inurnment facility the use of which is permitted pursuant to this Ordinance.

Article 3 (Transitional Measures concerning Fees for Management of Cemeteries)

The collection of fees for management under the amended provisions of Article 7 shall begin to apply to fees for management that are imposed after this Ordinance enters into force.

Article 4 Omitted.

ADDENDA <Ordinance No. 4743, Mar. 18, 2009>

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures concerning the Seoul Metropolitan Government Ordinance on Establishment of Master Plans for Development of Apartment Complex Districts)

With respect to the master plans for the development of Apgujeong apartment complex district and Isu apartment complex district established before this Ordinance enters into force, the previous provisions shall prevail, notwithstanding the amended provisions of Articles 3 and 12.

ADDENDUM <Ordinance No. 4973, Apr. 22, 2010>

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

ADDENDUM <Ordinance No. 5043, Nov. 4, 2010>

Article 1 (Enforcement Date)

This Ordinance shall enter into force on January 1, 2011.

ADDENDUM <Ordinance No. 5298, May 22, 2012>

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

ADDENDUM <Ordinance No. 5455, Mar. 28, 2013>

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

ADDENDUM <Ordinance No. 5888, May 14, 2015>

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

ADDENDUM <Ordinance No. 6276, Jul. 14, 2016>

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

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

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

ADDENDUM <Ordinance No. 6492, May 18, 2017>

This Ordinance shall enter into force three months after the date of its promulgation.

ADDENDUM <Ordinance No. 6646, Sep. 21, 2017>

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

ADDENDA <Ordinance No. 7109, May 2, 2019>

Article 1 (Enforcement Date)

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

Article 2 (Effective Period for Applying Reduction and Exemption for Paying with Simple Payment System for Micro Enterprises)

The amended provisions of the proviso of Article 7 (4) shall be effective until December 31, 2019.

ADDENDUM <Ordinance No. 7160, May 16, 2019>

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