

SEOUL METROPOLITAN GOVERNMENT ENFORCEMENT RULE OF THE ORDINANCE ON COLLECTION OF CHARGES IMPOSED ON CAUSERS FOR RELOCATION AND INSTALLATION OF WATERWORKS

Enactment No. 2622, Jun. 25, 1994
Partial Amendment No. 3166, Feb. 05, 2001
Partial Amendment No. 3492, May. 11, 2006
Partial Amendment No. 3768, Sep. 30, 2010
Partial Amendment No. 3907, Apr. 11, 2013
Amendment of Other Laws No. 4303, Oct. 10, 2019
Partial Amendment No. 4331, Jan. 16, 2020

Article 1 (Purpose)

The purpose of this Rule is to provide for matters delegated by the Seoul Metropolitan Government Ordinance on Collection of Charges Imposed on Causers for Relocation and Installation of Waterworks and matters necessary for the implementation thereof.

<Amended by Rule No. 4303, Oct. 10, 2019>

[This Article Wholly Amended by Rule No. 3768, Sep. 30, 2010]

Article 2 (Calculation of Charges)

(1) The following items of expenditure shall be included in the components of the estimated price in cost accounting on the basis of expenses incurred in reinstatement out of charges imposed on causers referred to in Article 4 (2) 1 of the Seoul Metropolitan Government Ordinance on Collection of Charges Imposed on Causers for Relocation and Installation of Waterworks (hereinafter referred to as the "Ordinance"): <Amended by Rule No. 4303, Oct. 10, 2019>

1. Costs of materials;
2. Labor costs;
3. Expenses;
4. General expenses;
5. Profits.

(2) The volume of tap water lost by drainage or leakage referred to in Article 4 (2) 2 of the Ordinance (hereinafter referred to as "water loss") shall be calculated according to the following formulas, and a quantity of water exceeding 0.5 ton shall be deemed to be 1 ton for this purpose: <Amended by Rule No. 4331, Jan. 16, 2020>

1. Water loss with water pressure: The orifice formula shall apply;

(a) Water loss per second:

$$Q1 = CA;$$

(b) Water loss per hour:

$$Q = 0.64 \times a \times \sqrt{H} \div 10,000 \times 3,600 = 3.2a$$

$Q1$ = Water loss per second (m^3/sec)

Q = Water loss per hour (m^3/hr)

C = Flow coefficient ($C_a \times C_v$) = $0.666 \times 0.97 = 0.64$

C_a = Shrinkage coefficient (0.666 applied),

C_v = Flow velocity coefficient (0.97 applied))

A = Area (m^2), a = Area (cm^2)

g = Gravity acceleration ($9.8m/sec^2$)

H = Water head (m) = $10P$

P = Water pressure (kg/cm^2)

;

(c) Period of water leak by water pressure shall be from the time the water leak occurs until the water pressure becomes "0" by water control, etc. or until the time repair work is completed, and period of water drain shall be between the time of opening and closing of a drain valve or hydrant;

(d) Underground water loss due to a water leak shall be calculated by applying items (a) through (c) mutatis mutandis;

2. Water loss from a pipe fully filled with water of zero water pressure:

$$Q = A \times L;$$

Q = The water loss ();

A = The area ();

L = The length (m)

(3) The Mayor of the Seoul Metropolitan Government (hereinafter referred to as the "Mayor") shall determine whether to use water trucks for emergency water supply for an area where water supply is cut off pursuant to Article 4 (2) 3 of the Ordinance.

(4) The Mayor shall determine whether to perform works to keep a road free of ice pursuant to Article 4 (2) 5 of the Ordinance: Provided, That in principle, damages incurred at the time of, or before or after, the freezing prevention work shall be borne by a causer.

(5) Expenses incurred by public officials mobilized for reinstatement works pursuant to Article 4 (2) 6 of the Ordinance shall be calculated on the basis of public officials mobilized; the number of persons shall be the minimum adequate number of persons necessary for reinstatement works, etc.; and the calculation of expenses shall be made for those who perform the following works:

1. A supervisor of reinstatement works;
2. A worker who controls the water level, etc.;
3. A worker who keeps a road free of ice;
4. A person who guides the operation of a water truck;
5. Other persons who perform duties, such as publicizing the suspension of water supply, etc.

[This Article Wholly Amended by Rule No. 3768, Sep. 30, 2010]

Article 2-2 (Targets for Charges)

"Facilities using a large volume of tap water, such as large-scale housing complexes, industrial facilities, etc." in Article 3 (1) 1 of the Ordinance means facilities conducting any of the following projects:

1. An urban development project (development projects, etc. defined in the Housing Site Development Promotion Act, the Urban Development Act, and the Special Act on the Construction of Bogeumjari Housing, Etc.);
2. An industrial complex creation project (industrial complex creation projects, etc. defined in the Industrial Sites and Development Act and the Industrial Cluster Development and Factory Establishment Act);
3. An airport construction project (airport construction projects, etc. defined in the Act on the Promotion of a New Airport for Seoul Metropolitan Area Construction);
4. A tourist destination and tourism complex development project (development projects, etc. defined in the Tourism Promotion Act, the Hot Spring Act, and the Natural Parks Act).

[This Article Newly Inserted by Rule No. 3907, Apr. 11, 2013]

Article 3 (Support Expenses)

(1) The Mayor shall determine requests for support and expenses for reinstatement, etc. in consideration of the time taken for reinstatement, conditions of the relevant site, etc.

(2) Each agency that has already provided support for reinstatement, etc. shall request reimbursement of the expenses incurred in providing the support to the Mayor in writing with the grounds for calculation of the expenses attached thereto within 10 days from the date it provides such support.

[This Article Wholly Amended by Rule No. 3768, Sep. 30, 2010]

Criteria for Assessing Damage

Article 4 (Criteria for Assessing Damage, etc.)

(1) Assessment of damage, etc. to water works shall be made after each of the following cases have been examined: <Amended by Rule No. 3768, Sep. 30, 2010>

1. Where there is a witness confirming the waterworks have been damaged by other works;
2. Where the surface color of a section of the waterworks damaged by other works has been changed;
3. Where there is a part bent or folded close to the waterworks damaged by other works;
4. When the earth or a structure, etc. subsides or collapses due to other works, etc., where the waterworks are damaged by the pressure or impact thereof;
5. Even though other works are not performed, where the waterworks have been damaged by the pressure or impact due to contact with other facilities before damaged;
6. Where a water leak occurs in facilities within the maintenance period after the waterworks have been completed or a water leak occurs because the existing facilities are not removed or closed;
7. Where the waterworks are deemed to have been damaged from an objective standpoint.

Article 5 (On-Site Measures Due to Occurrence of Damage to Waterworks)

(1) On-site measures taken by the Mayor pursuant to Article 6 (1) of the Ordinance shall be as follows: <Amended by Seoul

Metropolitan Government Rule No. 3768, Sep. 30, 2010>

1. Emergency reinstatement of waterworks damaged;
2. Measures for the safety control of the scene and the smooth traffic flow;
3. Measures for the supply of water to citizens and promotion of the suspension of water supply;
4. Measures for the minimization of damage to property and other facilities, etc. and death or injury of human.

[This Article Wholly Amended by Rule No. 3768, Sep. 30, 2010]

Article 6 (Collection of Charges Imposed on Causers)

(1) Where a person who has given rise to the need for waterworks pursuant to Article 7 (1) of the Ordinance requests the Mayor to install waterworks, he or she shall state or attach each of the following: <Amended by Rule No. 3166, Feb. 5, 2001; Rule No. 3768, Sep. 30, 2010>

1. A plan for waterworks:

- (a) Reasons for waterworks;
- (b) The outline of waterworks;
- (c) The timing of waterworks;
- (d) The present status and specifications and drawings of waterworks;
- (e) Other matters necessary for waterworks.

(2) The Mayor shall give written notice to a person who is liable to pay charges imposed on causers, stating or attaching each of the following within 10 days of receiving the request to perform works under subparagraph 1 (b) of Article 2 of the Ordinance:

Provided, That where prior consultation is required in consideration of the timing of works, period of suspension of water supply, etc., the Mayor shall notify the details thereof in writing within 10 days:

1. The outline of waterworks;
2. The amount to be paid;
3. The due date for payment;
4. The place of payment;
5. The payer;
6. Specifications and drawings;
7. Other matters necessary for the collection of charges imposed on causers.

(3) The Mayor shall formulate each of the following plans for the performance of waterworks after he or she collects charges imposed on causers:

1. A plan for waterworks;
2. A plan for suspension of water supply;
3. A publicity plan for citizens, etc.

[This Article Wholly Amended by Rule No. 3768, Sep. 30, 2010]

Article 7 (Collection of Charges Imposed on Causers Due to Damage)

(1) Where the Mayor collects charges imposed on causers under Article 7 (3) of the Ordinance, he or she shall prepare or confirm each of the following:

1. A written confirmation in attached Form 1, a location map of the scene and detailed drawings;
2. Details of expenses and a statement of calculation;
3. Physical evidence of damage and photographs of damaged facilities and the scene.

(2) Where the Mayor intends to collect charges imposed on causers under Article 7 (3) of the Ordinance, he or she shall give written notice to a person who is liable to pay the charges, stating or attaching each of the following within 10 days from the date of reinstatement:

1. The amount to be paid;
2. The due date for payment;
3. The place of payment;
4. The payer;
5. Other matters necessary for the imposition of charges imposed on causers.

[This Article Wholly Amended by Rule No. 3768, Sep. 30, 2010]

Article 8 (Collection of Charges Imposed on Causers in Installments)

Expenses which may be collected in installments out of charges imposed on causers pursuant to the proviso of Article 8 of the Ordinance shall be support expenses, expenses for publicity, expenses for reinstatement of a road, etc. which are not fixed by the day before the scheduled date of notification.

[This Article Wholly Amended by Rule No. 3768, Sep. 30, 2010]

Article 9 (Notification of Compensation for Damage)

(1) Where a person who has suffered damage under Article 9 (2) of the Ordinance requests the Mayor to reinstate or compensate for the damage, the Mayor shall give written notice of the following to the person: <Amended by Rule No. 3768, Sep. 30, 2010>

1. The cause of the damage;
2. A copy of details which may confirm the damage incurred to facilities or property, or materials which may prove the damage;
3. Details of an order issued by the Mayor to the person who has caused the damage to reinstate or compensate for the damage, the date thereof, etc.;
4. The address, name and phone number, etc. of the person who is liable to reinstate damaged facilities or to bear liability for the damage incurred.

(2) The Mayor shall give written notice to a person who has suffered damage within seven days from the date he/she is requested to compensate for the damage. <Amended by Rule No. 3768, Sep. 30, 2010>

Article 10 (Collection of Charges Imposed on Causers Due to Defects)

(1) Cases where the Mayor may reinstate damage first and then collect the charges imposed on causers because urgent reinstatement works are required pursuant to Article 10 (2) of the Ordinance shall be as follows:

1. Where there is a fear that the defects may cause damage to facilities or property;
2. Where water supply to households is cut off due to the water leak arising from the defects;
3. Where the constructor evades repair of the defects or is out of reach and thus he or she cannot be mobilized in emergency situations;
4. Where although at first unclear whether the water leakage is caused by the defects, reinstatement works by a supervisor of the waterworks confirm that.

(2) With regard to any defects which have occurred due to inadequate removal and closure of the existing pipeline, the Mayor shall instruct the constructor to close the existing pipeline at a juncture.

[This Article Wholly Amended by Rule No. 3768, Sep. 30, 2010]

Article 11 (Performance of Works)

(1) A person who has caused damage may take the following measures during reinstatement works pursuant to Article 14 (1) of the Ordinance:

1. Preventive emergency measures in cases where there is a fear that the water leak, etc. may cause damage to other facilities or property;
2. On-site measures for the minimization of traffic inconvenience, etc. of citizens due to the water leak, etc.

[This Article Wholly Amended by Rule No. 3768, Sep. 30, 2010]

Article 12 (Restrictions on Close Installation of Other Facilities)

The adjacency limit for other facilities that could hinder the maintenance of waterworks pursuant to Article 15 (1) of the Ordinance to waterworks shall be as follows:

[Diameter /Classification] [Both sides of waterworks] [Base of waterworks] [Top of waterworks]

D = Not less than 700 Not less than 50 Not less than 50 Not allowed (excluding the pavement layer of a road)

D = Less than 700 Not less than 30 Not less than 30 Not allowed (excluding the pavement layer of a road)

Remarks - - Installation is allowed in the same manner as the base of waterworks, in case of crossing waterworks.

Mounding more than the depth for each diameter is not allowed.

Article 13 (Method of Collection of Charges Imposed on Causers)

(1) The Mayor shall cause a notice of payment to be delivered to a person who is liable to pay charges imposed on causers by not later than seven days prior to the due date for payment within 10 days from the date of receiving the request to perform waterworks or of reinstating damaged facilities.

(2) Where tap water drained or leaked flows into a sewerage system, the Mayor shall collect charges for sewerage.

(3) The Mayor shall manage the receipt of charges imposed on causers and settlement of default, handling overpayment or erroneous payment, disposition of administrative fines, etc. and shall take measures for collection thereof.

[This Article Wholly Amended by Rule No. 3768, Sep. 30, 2010]

Article 14 (Application Mutatis Mutandis)

The Seoul Metropolitan Government Ordinance on Water Supply and Waterworks Installation and the Enforcement Rule of the same Ordinance shall apply mutatis mutandis to matters not specified in this Rule. <Amended by Rule No. 4303, Oct. 10, 2019>
[This Article Wholly Amended by Rule No. 3768, Sep. 30, 2010]

ADDENDA

(1) (Enforcement Date) This Rule shall enter into force on June 26, 1994.

(2) (Transitional Measures) Matters notified and disposed of in accordance with the Seoul Metropolitan Government Instructions on Management of Charges Imposed on Persons who have Caused Damage to Waterworks before this Rule enters into force shall be deemed to have been disposed of in accordance with this Rule.

ADDENDUM <Rule No. 3166, Feb. 5, 2001>

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

ADDENDA <Rule No. 3492, May 11, 2006>

(1) (Enforcement Date) This Rule shall enter into force on the date of its promulgation.

(2) (Transitional Measures concerning Charges) Notwithstanding the amended provisions, the previous provisions shall apply to charges imposed and collected in accordance with the previous provisions as at the time this Rule enters into force.

ADDENDA <Rule No. 3768, Sep. 30, 2010>

Article 1 (Enforcement Date)

This Rule shall enter into force on October 15, 2010.

Article 2 Deleted.

ADDENDA <Rule No. 3907, Apr. 11, 2013>

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures)

Notwithstanding the amended provisions, the previous provisions shall apply to charges, the imposition and collection of which is in progress in accordance with the previous provisions as at the time this Rule enters into force.

ADDENDUM <Rule No. 4303, Oct. 10, 2019>

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

ADDENDUM <Rule No. 4331, Jan. 16, 2020>

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