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

Enactment No. 3079, Mar. 15, 1994
Partial Amendment No. 3633, Jun. 30, 1999
Partial Amendment No. 3846, Mar. 15, 2001
Partial Amendment No. 4467, Jan. 02, 2007
Partial Amendment No. 4902, Jan. 07, 2010
Partial Amendment No. 5009, Jul. 15, 2010
Amendment of Other Laws No. 5140, Jul. 28, 2011
Partial Amendment No. 5405, Dec. 31, 2012
Partial Amendment No. 5857, Apr. 02, 2015
Amendment of Other Laws No. 6016, Oct. 08, 2015
Partial Amendment No. 6414, Jan. 05, 2017
Amendment of Other Laws No. 7046, Mar. 28, 2019
Amendment of Other Laws No. 7423, Dec. 31, 2019
Amendment of Other Laws No. 7782, Dec. 31, 2020
Partial Amendment No. 7973, Mar. 25, 2021
Partial Amendment No. 8194, Sep. 30, 2021
Amendment of Other Laws No. 8235, Dec. 30, 2021

Article 1 (Purpose)

The purpose of this Ordinance is to provide for matters necessary for calculating, imposing and collecting charges imposed on causers for waterworks of the Seoul Metropolitan Government and for protecting waterworks pursuant to Article 71 of the Water Supply and Waterworks Installation Act and Article 65 of the Enforcement Decree of the same Act. <Amended on Jan. 7, 2010; Jan. 5, 2017>

Article 2 (Definitions)

The terms used in this Ordinance are defined as follows: <Amended on Jan. 7, 2010; Jul. 15, 2010>

1. The term "charges imposed on causers" (hereinafter referred to as "charges") means the amounts of expenses incurred in relation to waterworks or performance of other acts and to be borne by persons incurring such expenses, which are classified as follows:

(a) Where new construction or extension, etc. of waterworks is required because a person has installed facilities using tap water, requiring a causer of such works to bear the expenses incurred in the relevant works (including cases where a person gives rise to the need for a new construction and extension of waterworks in the future because he or she uses the existing waterworks by installing facilities using tap water);

(b) Where remodeling, relocation and installation, repair, removal, etc. of waterworks already constructed is necessary due to other construction works or other acts, requiring a causer of such works to bear the expenses incurred in the relevant works;

(c) Where a person has conducted business or an act that causes damage to waterworks (hereinafter referred to as "person who has caused damage"), requiring such person to bear the expenses incurred in the maintenance of such waterworks or in the prevention of damage thereto.

2. The term "expenses incurred in reinstatement" means expenses incurred in works for reinstatement of waterworks to ensure that the waterworks maintain the same functions as the existing waterworks within a fixed section;

3. The term "expenses incurred in using water trucks" means expenses incurred in mobilizing water trucks in an area where water supply has been cut off due to the suspension of water supply;

4. The term "expenses for reinstatement of a road" means expenses incurred in works for reinstatement of a road for the part damaged by a causer or a person who has caused damage, or destroyed for reinstatement;

5. The term "expenses incurred in keeping a road free of ice" means expenses incurred in preventing tap water leaked onto a road by a causer or a person who has caused damage from freezing during the winter;

6. The term "expenses for mobilization" means expenses incurred by supervisors, motor vehicles and relevant staff in cases of mobilization for reinstatement works, etc. due to a causer or a person who has caused damage;

7. The term "expenses for publicity" means expenses incurred in publicizing details of the suspension of water supply, etc. to citizens.

Article 3 (Subjects and Extent of Charges)

(1) Charges prescribed in subparagraph 1 (a) of Article 2 shall be classified as follows: <Amended on Jan. 5, 2017>

1. Where a person who engages in business of constructing facilities using a large volume of tap water, such as large-scale

housing complexes, industrial facilities, etc., bears expenses for construction of waterworks such as water intake and purification station, reservoir, water supply and drainage facilities if tap water is supplied to him or her;
2. Where a person who is to use tap water bears the expenses for construction of waterworks already incurred if tap water is supplied to a building, etc. located within a water supply area other than large-scale housing complexes, industrial facilities, etc.
(2) Charges caused by remodeling, relocation and installation, damage, etc. of water supply facilities under subparagraph 1 (b) and (c) of Article 2 shall be the aggregate of the following expenses: <Amended on Dec. 31, 2012>
1. The expenses incurred in reinstatement (including fees, such as expenses for preparing drawings and specifications and for completion inspection);
2. The expenses for facilities for the prevention of damage;
3. The water rates on the volume of tap water which has leaked or become unusable (hereinafter referred to as "leaked water or drained water") due to the reinstatement of waterworks or damage to waterworks and the volume of tap water loaded on water trucks;
4. The expenses incurred in using water trucks;
5. The expenses for reinstatement of a road and the expenses incurred in keeping a road free of ice;
6. The expenses for mobilization;
7. The expenses for publicity;
8. The supporting expenses;
9. The damage compensation for harms on other facilities and property caused by damages.
[This Article Wholly Amended on Dec. 31, 2012]

Article 4 (Standards for Calculating Charges)

(1) Charges for sections covering total floor areas applied to each type of business under Article 3 (1) shall be as specified in the attached Table. <Newly Inserted on Jul. 15, 2010; Dec. 31, 2012; Mar. 25, 2021>
(2) The following standards, etc. shall apply to calculating charges under Article 3 (2): <Amended on Jun. 30, 1999; Mar. 15, 2001; Jan. 7, 2010; Dec. 31, 2012; Mar. 28, 2019; Dec. 31, 2019>
1. The expenses incurred in reinstatement out of charges shall be based on the composition of the estimated price in cost accounting under Article 6 of the Enforcement Rule of the Act on Contracts to Which a Local Government Is a Party;
2. The calculation of expenses for the volume of tap water lost by drainage or leakage and for the volume of tap water loaded on water trucks shall be based on the table of water rates in attached Table 2 of the Seoul Metropolitan Government Ordinance on Water Supply and Waterworks Installation;
3. Where a contract for the use of a motor vehicle is concluded with a transportation business operator, the expenses for a motor vehicle used in delivering water shall be based on the unit price thereof; for other cases, the amount applied by a transportation business operator shall be used mutatis mutandis: Provided, That the minimum expense for the mobilization of a water truck shall be calculated on a four-hour basis;
4. The expenses for reinstatement of a road shall be based on the standards for calculation of the unit price of road excavation and reinstatement calculated in accordance with the Seoul Metropolitan Government Ordinance on Collection of Charges against Executors of Reinstatement of Road: Provided, That where a water service provider directly reinstates the road, expenses for such direct reinstatement shall be the aggregate of the amount calculated by the unit price of road excavation and reinstatement contracted with a road excavation and reinstatement business operator and the cost of materials;
5. The expenses for keeping a road free of ice shall be the aggregate of the cost of materials, such as expenses for motor vehicles, calcium chloride, sand, etc., and the labor cost;
6. The expenses for mobilization shall be expenses incurred by supervisors, motor vehicles and relevant staff mobilized for reinstatement works, etc.; and the expenses for supervisors and motor vehicles shall be the actual expenses incurred and the expenses for relevant staff shall be travel expenses incurred in accordance with the Seoul Metropolitan Government Ordinance on Travel Expenses for Public Officials;
7. The expenses for publicity shall be the aggregate of all expenses incurred in publicizing the time for suspension of water supply to citizens by news media or other means;
8. The supporting expenses shall be the entire amount supported by a person other than a supervisor of waterworks and be calculated only for the amount claimed by a supporter.
(3) Working hours shall be calculated from the time of mobilization to one hour after the completion of work: Provided, That daily working hours shall be based on eight hours. <Amended on Jan. 7, 2010>
(4) The Mayor may reduce the charges for the following buildings for residence, within 50 percent of such charges: Provided, That he or she may reduce the total amount of the charges in cases of the houses owned by an eligible recipient under the National Basic Living Security Act: <Newly Inserted on Dec. 31, 2012>
1. A building for residence with a total floor area of not more than 45 square meters;
2. A house for which it is intended to install exclusive waterworks among the houses using shared waterworks.

Article 5 (Obligations of Persons Who Have Caused Damage)

(1) Each person who has caused damage to waterworks in connection with his or her business or act shall report to the Mayor of the Seoul Metropolitan Government (hereinafter referred to as the "Mayor") without fail, and shall neither conceal it nor repair it himself or herself. <Amended on Jan. 7, 2010>
(2) Where a person who conducts business or an act discovers any damage incurred to waterworks, such as a water leakage, although he or she has not directly caused such damage, he or she shall report it to the Mayor, and shall neither neglect nor repair such damage himself or herself. <Amended on Jan. 7, 2010>
(3) Each owner or custodian of private land shall fulfill his or her obligations to pay due attention to waterworks installed within the boundaries of the relevant private land so that waterworks may not be damaged or leaked, or water supply may not be hindered: Provided, That where relocation and installation of waterworks is required, he or she shall separately consult with the Mayor. <Amended on Jun. 30, 1999; Jan. 7, 2010; Dec. 31, 2019>

Article 6 (Obligations of Supervisor of Waterworks)

(1) Where the Mayor becomes aware of any damage incurred to waterworks, he or she shall immediately dispatch human resources and equipment, etc. to the scene to take necessary measures, regardless of whether to bear expenses or not.
(2) Where damage to waterworks has been incurred or damage to other utilities or property has been incurred due to any damage incurred to waterworks, the Mayor shall take advance measures necessary for the collection of charges, such as ascertaining the cause of the damage that may objectively prove the damage incurred, securing circumstantial evidence and photographs of the scene of the damage, etc. or receiving a written confirmation from a person who has caused the damage, etc. <Amended on Jan. 7, 2010>
(3) The Mayor shall require the undertakers of other works deemed likely to cause damage to waterworks, such as ground excavation, to take necessary preventive measures. <Amended on Jan. 7, 2010>

Article 7 (Collection of Charges)

(1) Each person who has given rise to the need for waterworks shall request the Mayor to install waterworks with documents stating matters necessary for the waterworks, before the installation of such waterworks.
(2) The Mayor shall, in principle, install waterworks after imposing and collecting the total cost to be incurred in advance pursuant to Articles 3 and 4 on and from a causer for such waterworks if he or she receives a request for waterworks, or other works or other acts create a need for waterworks, and shall notify the causer in writing of matters necessary for the collection of the charges: Provided, That for waterworks urgently required, he or she may impose or collect the charges after carrying out restoration of the waterworks. <Amended on Jan. 7, 2010; Jul. 15, 2010>
(3) Where the Mayor intends to collect charges imposed on a person who has caused damage, he or she shall calculate expenses involved in the repair and maintenance of waterworks or expenses for the installation of facilities necessary for the prevention of damage and then give written notice to the person who has caused damage of matters necessary for the collection of the charges. <Newly Inserted on Jan. 7, 2010>
(4) Where a person who has caused damage fails to pay the charges by the payment deadline, the Mayor may collect such charges in the same manner as delinquent local taxes are collected in accordance with Article 68 (1) of the Water Supply and Waterworks Installation Act. <Newly Inserted on Jan. 7, 2010>

Article 8 (Method of Collection of Charges)

Where the Mayor collects charges, he or she shall collect all expenses necessary for the collection in lump sum: Provided, That he or she may separately recover expenses prescribed by rule of the Seoul Government and specify matters separately imposable for when he or she collects expenses in installments. <Amended on Jan. 7, 2010>

Article 9 (Compensation for Damage to Other Utilities)

(1) Where damage to other utilities, such as city gas, or property damage has been caused due to damage incurred to waterworks, the person who has caused such damage shall bear the expenses for reinstatement of such utilities or pay for the damage incurred: Provided, That operating losses incurred in the failure of water supply due to the suspension of water supply and compensation for damage to users of tap water caused by a failure to obtain tap water due to the suspension of water supply shall not be included herein. <Amended on Jan. 7, 2010>
(2) Where a person who has caused damage reinstates the relevant utilities or compensates for the damage pursuant to paragraph (1), he or she shall reinstate the utilities or compensate for the damage by an agreement between him or her and the aggrieved party or as prescribed by the relevant statutes and regulations: Provided, That where the aggrieved party requests the Mayor to reinstate or to compensate for damage, the Mayor may request the person who has caused such damage to reinstate or to compensate for the damage, and shall give written notice to the aggrieved party thereof. <Amended on Jan. 7, 2010>
(3) Where the Mayor has reinstated damaged utilities first considering the urgent need for reinstatement of such utilities, he or she shall collect the expenses therefor from the person who has caused such damage.

Article 10 (Collection of Charges Following Reinstatement When Defects in Waterworks Are Found)

(1) Where waterworks are damaged due to a defect during the maintenance period of waterworks, the constructor of the

waterworks shall repair the defect in accordance with the Framework Act on the Construction Industry and the Act on Contracts to Which a Local Government Is a Party. In such cases, the constructor shall pay the charges referred to in Article 3 (2) except the expenses incurred in reinstatement. <Amended on Jan. 7, 2010; Jul. 15, 2010; Oct. 8, 2015>
(2) Notwithstanding paragraph (1), where a water leakage requiring urgent reinstatement works has occurred, the Mayor shall reinstate it first and collect the charges referred to in Article 3 (2), including the expenses incurred in reinstatement. <Amended on Jan. 7, 2010; Jul. 15, 2010; Oct. 8, 2015>

Article 11 (Filing Objections)

(1) A person who has an objection to the imposition or collection of charges under this Ordinance may file a written objection with the Mayor within 90 days from the date he or she receives a notice of such disposition. <Amended on Jan. 2, 2007; Jan. 7, 2010>
(2) The Mayor shall make a decision on any objection filed under paragraph (1) and notify the person who has filed such objection of the decision within 60 days from the date he or she receives the objection.
(3) Where the Mayor fails to decide within the period referred to in paragraph (2), the person who has filed an objection may file for administrative litigation within 60 days from the date of expiration of the period, or may file for administrative litigation within 90 days from the date he or she receives a notice of the decision of the Mayor where he or she is dissatisfied with such decision. <Amended on Mar. 15, 2001; Jan. 7, 2010>
(4) Articles 90 and 94 through 99 of the Framework Act on Local Taxes shall apply mutatis mutandis to methods and procedures for filing an objection under paragraphs (1) through (3). <Amended on Mar. 15, 2001; Jan. 7, 2010; Jul. 28, 2011; Jan. 5, 2017; Dec. 31, 2020>

Article 12 (Adjustment of Charges)

(1) Where a difference occurs between the charges paid and the expenses prescribed and used under this Ordinance, the Mayor may refund it or collect it additionally. <Amended on Jan. 7, 2010>
(2) Where the Mayor refunds or collects additionally a difference by adjustment of charges pursuant to paragraph (1), he or she shall give written notice to the causer of procedures for refund or additional payment, specifying the reason therefor and grounds for the calculation. <Amended on Jan. 7, 2010>

Article 13 (Dealing with Overpayment or Erroneous Payment)

(1) Where charges have been paid excessively or erroneously by mistake, etc., the Mayor shall refund or collect additionally the overpaid or erroneously paid amount to or from the person who bears the expenses.
(2) Where the Mayor refunds or collects additionally an overpaid or erroneously paid amount pursuant to paragraph (1), Article 12 shall apply to the relevant procedures. <Amended on Jan. 7, 2010>

Article 14 (Constructor of Waterworks)

(1) The Mayor shall design and construct waterworks: Provided, That in cases of works for which a causer shall pay the relevant costs, the causer may perform such works based on mutual consultation where necessary due to the circumstances of the relevant site, but no person who has caused damage shall perform works to be paid by him or her except for emergency measures prescribed by rule of the Seoul Government. <Amended on Jan. 7, 2010>
(2) Where the Mayor deems that urgent reinstatement is needed, he or she may make the utmost use of human resources and equipment held by the person who has caused damage. In such cases, the expenses incurred in such use shall be excluded from the expenses incurred in reinstatement. <Amended on Jan. 7, 2010>

Article 15 (Installation of Other Facilities)

(1) No one shall install other facilities that could hinder the maintenance of the waterworks, adjacent to waterworks: Provided, That where the safety and maintenance of facilities is not hindered, buildings or structures for maintaining the waterworks, such as reservoir and sports facilities, etc. (excluding buildings) for the public interest or convenience of citizens may be installed with the approval of the facilities management offices. <Amended on Apr. 2, 2015>
(2) Where facilities are installed or are being installed in violation of the adjacency limit for waterworks prescribed by rule of the Seoul Government or it is necessary to maintain of the waterworks notwithstanding the proviso to paragraph (1), the Mayor may request an owner, etc. of the relevant facilities to remove or relocate and newly construct such facilities. <Amended on Apr. 2, 2015; Dec. 31, 2019>
(3) Where the Mayor requests a supervisor or installer of other facilities to remove or relocate and newly construct such facilities, the supervisor or installer shall immediately comply with such request; where he or she fails to comply with such request, the Mayor may force to remove such facilities: Provided, That where there is no problem in the maintenance of functions of waterworks, the Mayor may relocate and newly construct such waterworks after he or she collects charges in consultation with the supervisor of other facilities, and where the supervisor fails to pay the charges, the Mayor may collect them. <Amended on Jan. 7, 2010>
(4) The Mayor may impose expenses incurred in forced removal or relocation and installation of other facilities on a supervisor or installer of such facilities, and the supervisor or installer of such other facilities shall be held responsible for any loss incurred due to the forced removal or relocation and installation. <Amended on Jan. 7, 2010>

Article 16 Deleted. <Jan. 5, 2017>

Article 17 (Delegation of Authority)

(1) The Mayor shall delegate his or her authority prescribed by this Ordinance to the Director General of Water Supply and Waterworks Headquarters of the Seoul Metropolitan Government (hereinafter referred to as the "Director General").

(2) The Director General shall delegate his or her authority referred to in the following subparagraphs to the head of each water supply and waterworks office: <Amended on Jan. 7, 2010>

1. Obligations of and performance of all measures by a supervisor of waterworks under Article 6;
2. Collection of charges under Article 7;
3. Collection of charges by installments under Article 8;
4. Reinstatement of other damaged facilities and compensation for damage under Article 9;
5. Collection of charges following reinstatement when a defect in waterworks is found under Article 10;
6. Addressing objections filed under Article 11;
7. Addressing adjustment of charges under Article 12;
8. Addressing excessive payments or erroneous payments under Article 13;
9. Performance of construction works under Article 14;
10. Relocation and installation of other facilities, etc. under Article 15;
11. Deleted. <Jan. 5, 2017>

Article 18 (Application Mutatis Mutandis)

In collecting charges under this Ordinance, matters other than those prescribed by this Ordinance shall be implemented in the same manner as local taxes are collected. <Amended on Jan. 7, 2010>

Article 19 (Enforcement Rule)

Matters delegated by this Ordinance and matters necessary for the implementation thereof shall be prescribed by rule of the Seoul Government.