

# 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 and the Enforcement Decree thereof and matters necessary to establish and manage City funeral service establishments.  
<Amended on Nov. 13, 2008>

### Article 2 (Definitions)

The terms used in this Ordinance are defined as follows: <Amended on 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 on Nov. 13, 2008>
3. Deleted; <Nov. 13, 2008>
4. Deleted; <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 on 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 chanel facilities and public natural burial grounds of autonomous Gus. <Amended on Nov. 13, 2008; 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 on Nov. 13, 2008>
- (4) The Mayor may subsidize part of the expenses incurred in reburying the remains buried in a grave installed in a City cemetery for cremation to ensure the efficient use of land and the welfare of residents. <Newly Inserted on Sep. 26, 2019>

### **Article 4 Deleted. <Dec. 31, 2019>**

### **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., by asking the opinions of the relevant institutions and receiving advices from the relevant experts after hearing opinions from the relevant department. <Amended on Nov. 13, 2008; Dec. 31, 2019>
- (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 on Nov. 13, 2008; May 14, 2015>
- (3) Deleted. <Nov. 13, 2008>
- [Title Amended on 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 on Nov. 13, 2008; May 14, 2015; 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 on Nov. 13, 2008>
- [Title Amended on 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 on Nov. 13, 2008; 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 on Nov. 13, 2008>
- [Title Amended on 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 on 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 for use and management. <Amended on Jul. 14, 2016; Jan. 5, 2017; 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, chanel house or natural burial ground may benefit from the reduced fees within the limit of 5/100, as prescribed by the Mayor. <Amended on 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 on 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 on Jul. 14, 2016>

[This Article Wholly Amended on 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 chanel facility, or City natural burial ground shall report it to the Mayor within 30 days from the date when such event arises: <Amended on 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 chanel facility shall be 15 years. <Amended on Nov. 13, 2008>

(2) Where, at the expiration of the period of use under paragraph (1), a user of a City cemetery or City chanel 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 on Nov. 13, 2008; May 14, 2015>

(3) Article 28 of the Act shall apply mutatis mutandis to handling of any City cemetery or City chanel facility for which an application for extending the period of use thereof is not filed within a fixed period. <Newly Inserted on Nov. 13, 2008>

(4) The period for using a City natural burial ground shall be 40 years. <Newly Inserted on 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 chanel 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 on 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 on Nov. 13, 2008>

(3) Notwithstanding paragraph (2), neither of the following cases shall be deemed to be sale or transfer: <Newly Inserted on 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.

[Title Amended on Nov. 13, 2008]

#### **Article 11 (Revocation of Permission for Use)**

(1) The Mayor may revoke permission to use a City cemetery, City chanel facility, or City natural burial ground in any of the following cases: <Amended on Nov. 13, 2008; 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 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 on May 14, 2015; Jan. 5, 2017>

(3) Upon revoking permission for use under paragraphs (1) and (2), the Mayor shall notify it to the relevant user. <Amended on Nov. 13, 2008; 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 on 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 on Nov. 13, 2008>

#### **Article 13 (Permissible Size of Grave)**

The size of each grave in a City cemetery shall be as follows: <Amended on Nov. 13, 2008>

1. Reserved cemeteries: Not more than five square meters;

2. Non-reserved graves: Not more than 10 square meters;

3. Deleted. <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 on 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 on 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 on Apr. 22, 2010>

[This Article Newly Inserted on 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 on May 14, 2015>

[This Article Newly Inserted on 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 on 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 on 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 on Nov. 13, 2008; May 14, 2015>

## **CHAPTER IV DELEGATIONOR ENTRUSTMENT OF OPERATION OF CITY FUNERAL SERVICE ESTABLISHMENTS**

#### **Article 17 (Delegation or Entrustment of Operation)**

CHAPTER IV DELEGATIONOR ENTRUSTMENT OF OPERATION OF CITY FUNERAL SERVICE ESTABLISHMENTS(1) The

Mayor may delegate the affairs of establishing, managing and operating City funeral service establishments (hereinafter referred to as "operation") to the head of the competent autonomous Gu or entrust such affairs to any corporation or private organization that specializes in the management of public facilities. <Amended on Nov. 13, 2008; Jul. 16, 2020>

(2) Any institution to which the relevant affairs are delegated or entrusted may re-delegate or re-entrust part of the delegated or entrusted establishments with the Mayor's approval, if deemed necessary to promote efficient operation and the convenience of citizens. <Amended on May 14, 2015; Jul. 16, 2020>

[Title Amended on Jul. 16, 2013]

#### **Article 18 (Assistance in Operation)**

The Mayor may provide the head of an autonomous Gu to which the operation of a City funeral service establishment is delegated or a corporation or organization entrusted with such operation pursuant to Article 17 (hereinafter referred to as "entrusted person") with materials or funds necessary for such operation. <Amended on Nov. 13, 2008; Jul. 16, 2020>

#### **Article 19 (Obligations 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 on Nov. 13, 2008>

(3) An entrusted person shall comply with the matters to be observed in accordance with related statutes, regulations and this Ordinance and the instructions given by the Mayor in connection with his or her affairs. <Amended on 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 on 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; <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 on May 14, 2015; 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 on 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 on Nov. 13, 2008>

#### **Article 22 (Rules of Seoul Government)**

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

### **ADDENDA <Ordinance No. 4053, Jan. 10, 2003>**

#### **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. 1, 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, 2020. <Amended on Dec. 31, 2019>

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

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

**ADDENDUM <Ordinance No. 7312, Sep. 26, 2019>**

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

**ADDENDUM <Ordinance No. 7404, Dec. 31, 2019>**

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

**ADDENDUM <Ordinance No. 7607, Jul. 16, 2020>**

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