

### 3. Busan Metropolitan City Ordinance on the City Design

Article 1 (Purpose) The purpose of this Ordinance is to prescribe the necessary matters for the comprehensive and systemic maintenance, management and improvement of the municipal scenery, public design and outdoor advertisement, and to prescribe the matters delegated by the Scenic Conservation Act and the Enforcement Decree of the same Act, and thus to promote the better city design and to contribute for the beautiful and pleasant living environment.

Article 2 (Definitions) The definitions of terms used in this Ordinance are as follows.

1. "City design" refers to a plan, business or behavior and its result on the color, shape, illumination and harmony with surroundings of a building, outdoor advertisement and municipal facility for the preservation, management and formation of municipal scenery.
2. "Public design" refers to a plan, business or behavior and its result to enhance the aesthetic, symbolic and functional value of a space, facility, goods, information, etc. that a public agency develops, makes, installs, operates or manages.
3. "Public agency" refers to the Busan Metropolitan City (hereinafter referred to as the "City"), a public corporation established by the City pursuant to the Local Public Enterprises Act and a non-profit corporation which is totally invested by the City.

Article 3 (Establishment of Basic Plan) ① The Busan Metropolitan City Mayor (hereinafter referred to as the 'Mayor') shall establish and implement the Busan Metropolitan City Basic Plan for the City Design (hereinafter referred to as the 'basic plan') every five years for the promotion and improvement of the City design.

② The followings shall be included in the basic plan pursuant to Paragraph 1.

1. The basic direction and objective of City design.
2. The plans of each field, location, area and street in City design.
3. The improvement and major plan of City design.
4. Other matters necessary for the improvement of pedestrian environment.

③ The Mayor shall publicly post the basic plan on the Busan Gazette and the City's internet website immediately when he/she establishes that pursuant to Paragraph 1.

Article 4 (Establishment and Implementation, etc. of a Operation Plan) ① The Mayor shall establish and implement the Busan Metropolitan City Design operation plan every year based on the basic plan pursuant to Article 3, Paragraph 1.

② The Mayor may establish each operation plans in areas of fields, areas, regions and steets pursuant to Paragraph 1, and he/she may include supporting plans for the promotion and level-up of the City Design after consulting with heads of Boroughs(Gu) and Counties(Gun) in the operation plan.

③ The Mayor may fully or partially support the money for business to promote the supporting plan pursuant to Paragraph 2.

Article 5 (Reflecting Citizen's Opinion) ① The Mayor shall consider opinions of Citizens on the promotion and level-up of the City Design when he/she establishes the basic plan pursuant to Article 3, Paragraph 1, and he/she shall review the validity and decide whether he/she reflect the opinion.

④ The Mayor shall notify the result of the review of citizen's opinion pursuant to Paragraph 1, and he/she shall post it on the Busan Gazette and the City's internet website.

Article 6 (Promotion of External Cooperation) The Mayor shall exchange information technology and cooperate with related agencies, corporations and institutions for the promotion and level-up of the City Design.

Article 7 (Establishment of Scenic Plan) ① When the Mayor establishes the scenic plan (hereinafter referred to as the "scenic plan") pursuant to Article 6 of the Scenic Conservation Act (hereinafter referred to as the "Act"), he/she shall reflect the scenic plan to the operation plan pursuant to Article 4, Paragraph 1.

② Article 5, Paragraph 2 shall apply mutatis mutandis with respect to details for the suggestion of the scenic plan pursuant to Article 2, Paragraph 4 of the Presidential Decree of Scenic Conservation Act (hereinafter referred to as the "Presidential Decree").

Article 8 (Details of Scenic Plan) ① "What municipal ordinances of local governments stipulates" pursuant to Article 3, Subparagraph 3 of the Presidential Decree are as follows:

1. Presentations of guidelines for each fields of scenery concerning scenic business;
2. Plans for colors regarding scenery;
3. Promotion systems for long-term and mid-term municipal scenic plans;
4. Things for improvement and management of scenery of buildings.

② The Mayor may categorize the contents of scenic plan as follows;

1. A plan for the management of natural scenery;
2. A plan for the management of historical and cultural scenery;
3. A plan for the management of urban district scenery;
4. A plan for the management of waterside scenery;
5. A plan for the management of night time scenery;
6. A plan for the management of scenery in each area and zone.

③ The Mayor may establish and implement a detailed operation plan for the conservation, management and creation of the local scenery suitable for the regional characteristics according to the context of the scenic plan.

④ The Mayor may entrust the research for the establishment of a detailed operation plan pursuant to Paragraph 3 to relevant specialists or professional institutions.

Article 9 (Holding of Public Hearing, etc.) ① When the Mayor holds a public hearing pursuant to Article 10, Paragraph 1 of the Act, he/she shall notify the followings to concerned parties, etc., and shall publicly announce it on the daily newspaper whose main distribution area is the City, the Busan Gazette and the City's internet website, at least one time no less than 14 days

before the date of hearing.

1. The purpose of holding a hearing;
2. The date and place of a hearing;
3. The summary of the scenic plan to be established or changed;
4. Matters on speakers;
5. The way of apply to be a speaker and application deadline;
6. The way of submitting opinion via internet;
7. Other matters for holding a hearing.

② Article 38-3 and 39 of the Administrative Procedures Act shall apply mutatis mutandis with respect to the selection of moderators and speakers, presiding of the hearing, and providing allowances and traveling expenses, etc.

Article 10 (Establishment of Public Design Plan) ① The Mayor may establish and implement the public design plan which includes the following matters for the promotion of the public design. In this case, the Mayor shall reflect the public design plan to the operation plan pursuant to Article 4, Paragraph 1.

1. The basic direction and objective for the promotion of public design;
2. The integrated local design reflecting the local characteristics;
3. Businesses for the promotion of public design;
4. Other matters necessary for the development of public design.

Article 11 (Basic Rules of Public Design) The public design shall be made, manufactured, installed, operated and managed based on the following rules;

1. Embodiment of public values and objectives;
2. Harmony with history, culture and natural environment;
4. Convenience and accessibility;
5. Consideration of local identities and characteristics.

Article 12 (Public Subscription of Suggestion for Public Design) ① The Mayor may decide the best suggestion for public design by the method of public subscription for the effective promotion of businesses regarding the public design, if it deems necessary.

② The Mayor shall separately decide on matters such as the object and process, etc. of the public subscription.

Article 13 (Support of Money for Public Design Business) The Mayor may fully or partially support the money needed for the public design business such as making and installing spaces, facilities, goods and informations, etc. of public institutions within the scope of the budget.

Article 14 (Establishment of Management and Support Plan for Advertisement) ① When the Mayor establishes the management and support plan for advertisement pursuant to Article 5-2, Paragraph 3 of the Outdoor Advertisement, etc. Control Act, he/she shall reflect its content to the operation plan pursuant to Article 4, Paragraph 1.

② The Mayor may make a guideline for the reformation of outdoor advertisement to reform illegal outdoor advertisement and to improve the urban view, and notify Boroughs(Gu) and Counties(Gun) of it and let them implement it.

Article 15 (Establishment and Functions) ① The Busan Metropolitan City Urban Design Committee (hereinafter referred to as the "Design Committee") shall be established for the review and advice for the promotion and improvement of city design.

② The Design Committee deliberates or advise on the following subparagraphs.

1. Reviewing the establishment and implementation of the Basic Plan pursuant to Article 3, Paragraph 1;
2. Reviewing the establishment and implementation of the Operation Plan pursuant to Article 4, Paragraph 1;
3. Reviewing the installment and repair of urban facilities of the Attached Table 2(excluding cultural-tourism facilities pursuant to Subparagraph 4);
4. Consulting on the installment and repair of cultural-tourism facilities among the street facilities pursuant to Subparagraph 2 of the Attached Table 2;
5. Consulting on the scenic improvement activities, etc. of old or faulty buildings pursuant to Article 28, Paragraph 2;
6. Matters that Boroughs(Gu), Counties(Gun) or public institutions ask the Design Committee for review or advice;
7. Other matters submitted by the chairman for the promotion and improvement of City Design.

Article 16 (Scenic Committee, Etc.) ① The Design Committee pursuant to Article 15, Paragraph 1 may review and advice on the following Subparagraphs instead of the Scenic Committee pursuant to Article 23 of the Act (hereinafter referred to as the "Scenic Committee"). In this case, what the Design Committee reviewed or advised on is deemed to have the review or advice by the Scenic Committee.

1. Matters subject to the review or advice of the Scenic Committee by law;
2. Reviewing the designation of model scenic activity areas, etc. pursuant to Article 35;
3. Reviewing the selection of urban scenic prize awardee pursuant to Article 36;
4. Reviewing on the buildings subject to the review of the Busan Metropolitan City Construction Committee (including buildings which is subject to the review of the Busan Metropolitan City Construction Committee in Gijang-gun) pursuant to Article 6, Paragraph 1, Subparagraph 1, B and C of the Busan Metropolitan City Ordinance on Construction;
6. Consulting on the scenic matters among the district-unit planning pursuant to Article 52, Paragraph 1, Subparagraph 5 and 6 of the National Land Planning and Utilization Act;
7. Matters that heads of Boroughs(Gu) and Counties(Gun) ask for the consultation on buildings among those subject to the review of a Borough(Gu) Construction Committee pursuant to Article 6, Paragraph 1, Subparagraph 2, B and C of the Busan Metropolitan City Ordinance on Construction (including buildings which is subject to the review of the Gijang-gun Construction Committee).

② The Design Committee pursuant to Article 15, Paragraph 1 may review the following

Subparagraphs instead of the Advertisements Management Deliberation Commission pursuant to Article 7 of the Outdoor Advertisement, etc. Control Act, In this case, what the Design Committee reviewed is deemed to have the review or advice by the Advertisements Management Deliberation Commission

1. Matters subject to the review of the Advertisements Management Deliberation Commission pursuant to the Outdoor Advertisement, etc. Control Act;
  2. Matters on the advertisement policy such as developing advertisement managing plan, etc;
  3. Matters on the development of self-improvement system for the outdoor advertisement;
  4. Matters that would be suggested and guided to heads of Boroughs(Gu) and Counties(Gun) for the conformity and uniformity in the new installment (including change of location and expansion of standards) of large-scale advertisement with more than 100 square meters' advertising area.
- ③ The buildings pursuant to Article 1, Subparagraph 4 shall be reviewed before the starting date of construction (in case of buildings for sale in lots, they shall be reviewed before the date of parceling-out report pursuant to Article 5 of the Act on the Parceling-out of Buildings).
- ④ The buildings pursuant to Article 1, Subparagraph 7 shall be advised during the period of initial planning.

Article 17(Composition) ①The Design Committee shall consist of no more than 60 committee members including one chairman and three vice chairmen.

②The Deputy Mayor for Administrative Affairs shall be the chairman of the Design Committee and the chairman of subcommittees pursuant to Article 25, Paragraph 1.

③ The members of the Design Committee shall be commissioned or appointed by the Mayor to each subcommittee among those who fall under the following subparagraphs. In this case, the members of the Urban Scenic Subcommittee pursuant to Article 25, Paragraph 1 shall have the qualifications pursuant to Article 18, Paragraph 3 of the Presidential Decree.

1. Officials of government institutions related to the City Design;
  2. Persons who are recommended by the Busan Metropolitan Council;
  3. Persons who are members of a Citizens' group(that means a non-profit and non-governmental organization stipulated in Article 2 of the Assistance for Non-profit Non-governmental Organizations Act);
  4. Persons such as journalists, professors, etc. who have professional knowledge and abundant experience on the City Design.
- ④ Appointed members of the Committee holds office for 2 years, and the consecutive appointment may be permitted. Yet, the term of office for a committee member who filled the vacancy shall be the remainder of the predecessor.

Article 18 (Duties of Chairman, etc.) ① The chairman shall represent the Design Committee and exercise the overall control of the Design Committee.

② The vice chairman designated by the chairman shall act on behalf of the chairman when the chairman inevitably can not perform his/her duties, and the committee member designated in

advance by the chairman shall carry out the above duties when both the chairman and vice chairman designated by the chairman inevitably can not perform his/her duties.

Article 19 (Meeting) ① The chairman may convene the meeting of Design Committee when he/she approves of the necessity, and the chairman shall preside the meeting.

② The Design Committee meeting is to start with a majority of the registered Committee members present and shall pass a resolution with a majority vote of the Committee members who are present.

③ The chairman shall inform all committee members on matters regarding the date, the place of a meeting, and the agenda to be deliberated in the meeting, etc. 5 days before the actual meeting takes place. However, these do not apply in case of emergency.

④ The meeting of the Design Committee shall be open to the public. However, the chairman may not open the meeting to the public with the consent of the Design Committee.

Article 21 (Collecting opinions, etc.) The Design Committee may ask relevant civil servants, specialists or interested parties, etc. to be present to say their opinion, or request the relevant institutions or organizations to submit necessary materials.