

## CHAPTER 41

13:41-4.5 Effect of local ordinances

## STATE BOARD OF PROFESSIONAL PLANNERS

## Authority

N.J.S.A. 45:14A-4 et seq.

## Source and Effective Date

R.1995 d.413, effective July 3, 1995.  
See: 27 N.J.R. 1957(a), 27 N.J.R. 2961(a).

## Executive Order No. 66(1978) Expiration Date

Chapter 41, State Board of Professional Planners, expires on July 3, 2000.

## Chapter Historical Note

Chapter 41, State Board of Professional Planners, was filed and became effective prior to September 1, 1969. Pursuant to Executive Order No. 66(1978), Subchapter 1, Seal, was readopted as R.1985 d.424, effective July 26, 1985. See: 17 N.J.R. 1060(a), 17 N.J.R. 2047(a). Pursuant to the authority of N.J.S.A. 45:3-3, 45:3-10 and 45:1-21(d), (e), Subchapter 4, Permissible Division of Responsibility in Submission of Site Plans and Major Subdivision Plats, became effective September 10, 1981 as R.1981 d.320. See: 13 N.J.R. 231(a), 13 N.J.R. 607(a). Pursuant to Executive Order No. 66(1978), Subchapter 4 was readopted as R.1986 d.110, effective March 17, 1986. See: 17 N.J.R. 1240(a), 18 N.J.R. 704(a). Pursuant to Executive Order No. 66(1978), Chapter 41 was readopted as R.1990 d.402, effective July 17, 1990. See 22 N.J.R. 1438(b), 22 N.J.R. 2530(a).

The original Subchapter 2, Uniform Penalty Letter, was repealed by R.1990 d.402, effective August 20, 1990. See: 22 N.J.R. 1438(b), 22 N.J.R. 2530(a). A new Subchapter 2, Misconduct, was adopted as R.1993 d.506, effective October 18, 1993. See: 24 N.J.R. 3221(a), 25 N.J.R. 4748(c).

Chapter 41 was readopted as R.1995 d.413, effective July 3, 1995. See: Source and Effective Date.

See section annotations for specific rulemaking activity.

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## SUBCHAPTER 1. SEAL

## 13:41-1.1 Professional planner to obtain seal

Every duly licensed professional planner shall obtain a seal containing the planner's name, license number and the legend "licensed professional planner". The design of the seal shall be authorized by the board.

## 13:41-1.2 Signature and date on seal; location; removal

The planner shall place his signature and the date when signed below the seal. The seal shall be fixed on the first page of a report and on each drawing if submitted separately. If a title block is used, it should be located elsewhere and shall be sufficient size to be legible. No person shall remove a seal or title block from any print or reproduction.

Amended by R.1980 d.445, effective October 10, 1980.  
See: 12 N.J.R. 493(b), 12 N.J.R. 672(e).

Amend seal location; amend title block from requirement of unobtrusiveness.

## 13:41-1.3 Sealing instruments

(a) Every instrument issued by the planner must be signed and sealed except that no seal shall be required on maps of existing land use, existing facilities or similar maps indicating the findings of surveys or studies in mapped form.

(b) Where multiple copies of the instrument are needed, the original copy shall be sealed and all other copies shall include on the title page a statement indicating that the original instrument was appropriately signed and sealed in accordance with law. The original sealed instrument shall be transmitted to the client.

(c) Only map prints shall be signed and sealed and not original tracings.

Amended by R.1980 d.445, effective October 10, 1980.  
See: 12 N.J.R. 493(b), 12 N.J.R. 672(e).

(a), "existing" added, (c) added.

## SUBCHAPTER 2. MISCONDUCT

## 13:41-2.1 Enumeration of prohibited acts

(a) Misconduct in the practice of professional planning shall include, but not be limited to, the following:

1. Acting for a licensee's client or employer in professional matters otherwise than as a faithful agent or trustee;

2. Disregarding the safety, health and welfare of the public in the performance of the licensee's professional duties, such as preparing or signing and sealing documents which are not in conformity with accepted standards. If the client or employer insists on such conduct, the licensee shall notify the Board of Professional Planners or other appropriate governmental authority and withdraw from further service on the project;

3. Using or approving the use of false, fraudulent, or deceptive advertising;

4. Charging for work not done or hours not spent;

5. Engaging in any activity which involves the licensee in a conflict of interest, including, but not limited to:

i. Rendering professional services, or contracting to render such services, where the licensee's ability to faithfully and objectively serve the client is materially compromised by other personal, professional or financial interests or responsibilities;

ii. While a licensee, or any firm with which the licensee is associated, is acting as a member, advisor, employee or consultant to a governmental body or agency, undertaking work for private clients where such work will be submitted to the governmental body or agency for review and approval;

iii. While acting as a member, advisor, employee or consultant to a governmental body or agency, participating in the review, approval or recommendation for approval of plans, specifications, reports or other professional work submitted on behalf of any individual or entity with whom the licensee or any firm with which the licensee is associated possesses any continuing or anticipated professional or financial relationship. For the purposes of this subparagraph, an anticipated professional or financial relationship shall be one which may reasonably be expected to be formed in the future and which will result in future financial gain. A licensee shall avoid the conflict set forth in this subparagraph by:

(1) Submitting to the governmental body or agency a written notice of the licensee's recusal from any participation in the matter before the governmental body or agency; or

(2) Permanently terminating, or declining to enter into, the professional or financial relationship and providing the governmental body or agency with written notice thereof;

iv. While acting as a member or employee of a governmental body or agency, soliciting or accepting a professional contract from the governmental body or agency. However, a licensee who is acting merely as an advisor or consultant to a governmental body or agency, or a firm with which the licensee is associated, shall not be precluded by this subsection from accepting a professional contract from the governmental body or agency and providing advice, recommendations and counsel with regard to such work;

v. Accepting compensation or remuneration, financial or otherwise, from more than one interested party for the same service or for services pertaining to the same work unless there has been full written disclosure and written consent obtained from all interested parties;

vi. Accepting compensation or remuneration, financial or otherwise, from material or equipment suppliers for specifying their product or for recommending their employment by any party; or

vii. Accepting commissions or allowances, directly or indirectly, from contractors or other persons dealing with the licensee's client or employer in connection with work for which the licensee is responsible to a client or employer;

6. Affixing the licensee's seal to any documents which were not prepared by the licensee or by employees or subordinates under the licensee's supervision; or

7. Permitting any person not appropriately licensed pursuant to N.J.S.A. 45:14A-1 to act for or on behalf of the licensee as a representative, surrogate or agent in appearance before any public or private body for the purpose of rendering professional planning services.

Amended by R.1995 d.413, effective August 7, 1995.

See: 27 N.J.R. 1957(a), 27 N.J.R. 2961(a).

Added a new (a)4 and recodified existing (a)4 through (a)5 through (a)7.

### SUBCHAPTER 3. GENERAL PROVISIONS

#### 13:41-3.1 (Reserved)

R.1975 d.102, effective April 16, 1975.

See: 6 N.J.R. 449(a), 7 N.J.R. 236(b).

This section, use of terms planners or planning in the names of corporations, firms or partnerships, expired pursuant to Executive Order No. 66(1978) on April 22, 1985 without re-adoption. See: 17 N.J.R. 1061(a), 17 N.J.R. 2141(a).

#### Case Notes

Decided on statutory grounds. State v. Bradley, 174 N.J. Super. 154, 415 A.2d 1198 (App.Div.1980).

**13:41-3.2 Fee schedule**

(a) The fees charged by the State Board of Professional Planners shall be:

1. Application for a Professional Planner or Planner-In-Training license .....	\$ 75.00
2. Examination Fees:	
i. Combined National and State Examinations ...	\$275.00
ii. State Examination only .....	\$200.00
iii. National Examination only .....	\$225.00
3. Initial license fee:	
i. During the first year of a biennial renewal period .....	\$130.00
ii. During the second year of a biennial renewal period .....	\$ 65.00
4. Biennial License Fee and Renewal-Professional Planner .....	\$130.00
5. Late Renewal Fee .....	\$ 50.00
6. Reinstatement Fee .....	\$200.00
7. Duplicate license .....	\$ 25.00
8. Name Change .....	\$ 25.00
9. Duplicate Wall Certificate .....	\$ 25.00

New Rule, R.1980 d.179, effective April 23, 1980.  
 See: 12 N.J.R. 129(a), 12 N.J.R. 348(a).  
 Amended by R.1983 d.114, effective April 18, 1983.  
 See: 15 N.J.R. 79(a), 15 N.J.R. 626(a).  
 In (a), deleted old 1. and 2. and added new 1. and 2.  
 New Rule, R.1985 d.443, effective September 3, 1985.  
 See: 17 N.J.R. 1061(a), 17 N.J.R. 2141(a).  
 This section registration fees expired pursuant to Executive Order 66(1978) on April 22, 1985. It was readopted as a New Rule.  
 Amended by R.1992 d.240, effective June 1, 1992.  
 See: 24 N.J.R. 554(a), 24 N.J.R. 2062(b).  
 Revised (a).

**SUBCHAPTER 4. PERMISSIBLE DIVISION OF RESPONSIBILITY IN SUBMISSION OF SITE PLANS AND MAJOR SUBDIVISION PLATS**

**13:41-4.1 General provisions**

(a) Definitions: All words, terms, and phrases shall be as defined in the Municipal Land Use Act, N.J.S.A. 40:55D et seq.

(b) Preparation and submission of the various elements of a preliminary or final site plan or major subdivision plat shall be within the professional scope of the various professions as listed in this subchapter.

**13:41-4.2 Depiction of existing conditions on a site plan**

(a) Survey: showing existing conditions and exact location of physical features including metes and bounds, drainage, waterways, specific utility locations, and easements: By a land surveyor.

1. Survey information may be transferred to the site plan if duly noted as to the date of the survey, by whom, and for whom. A signed and sealed copy of the survey must be submitted to the reviewing governmental body with the site plan submission.

(b) Vegetation, general flood plain determination, or general location of utilities, buildings, or structures: By an architect, planner, engineer, land surveyor, certified landscape architect, or other person acceptable to the reviewing governmental body.

Amended by R.1991 d.550, effective November 4, 1991.  
 See: 23 N.J.R. 1516(a), 23 N.J.R. 3337(b).  
 In (b), added "certified landscape architect."  
 Amended by R.1994 d.394, effective August 1, 1994.  
 See: 26 N.J.R. 1221(a), 26 N.J.R. 3181(b).

**13:41-4.3 Preparation of site plan**

(a) The location of proposed buildings and their relationship to the site and the immediate environs: By an architect or engineer.

(b) The locations of drives; parking layout; pedestrian circulation; and means of ingress and egress: By an architect, planner, engineer, or certified landscape architect.

(c) Drainage facilities for site plans of 10 acres or more; or involving stormwater detention facilities; or traversed by a water course: By an engineer only.

(d) Other drainage facilities: By an architect or engineer.

(e) Utility connections and on tract extensions: By an engineer or architect.

(f) Off tract utility extensions: By an engineer only.

(g) On site sanitary sewage disposal or flow equalization facilities: By an engineer only.

(h) Preliminary floor plans and elevation views of buildings illustrating the architectural design of a project: By an architect, except when the building is part of an engineering or industrial project, floor plans and elevation views may be by an engineer.

(i) Landscaping, signs, lighting, screening or other information not specified above: By an architect, planner, engineer, certified landscape architect, or other person acceptable to the reviewing governmental body.

(j) The general layout of a conceptual site plan for a multiple building project, showing the development elements including their relationship to the site and immediate environs: By an architect, planner, engineer, or certified landscape architect.

Amended by R.1991 d.550, effective November 4, 1991.  
 See: 23 N.J.R. 1516(a), 23 N.J.R. 3337(b).  
 In (b), (i) and (j), added "certified landscape architect".  
 In (j), changed "preliminary" to "conceptual".  
 Administrative correction.  
 See: 31 N.J.R. 1204(a).

**13:41-4.4 Preparation of a major subdivision plan**

(a) The general location of facilities, site improvements, and lot layouts: By an architect, engineer, land surveyor, planner, or certified landscape architect.

(b) The design and construction details of all public improvements including street pavements, curbs, sidewalks, sanitary sewage, storm drainage facilities: By an engineer only.

(c) Final subdivision map with metes and bounds: By a land surveyor only.

Amended by R.1991 d.550, effective November 4, 1991.  
See: 23 N.J.R. 1516(a), 23 N.J.R. 3337(b).

In (a), added "or certified landscape architect".

**13:41-4.5 Effect of local ordinances**

(a) Informal site plans, not required by local ordinances are excluded from this rule.

(b) No municipal or county ordinance, policy or action purporting to define the scope of professional activity of architects, engineers, land surveyors, planners or certified landscape architects in the preparation of site plans or major subdivision shall reduce or expand the scope of professional practice recognized by the boards.

Amended by R.1991 d.550, effective November 4, 1991.  
See: 23 N.J.R. 1516(a), 23 N.J.R. 3337(b).

In (b), added "or certified landscape architects".