

CHAPTER 4

THE NEW JERSEY REGISTER OF HISTORIC PLACES RULES

Authority

N.J.S.A. 13:1B-15.108 et seq. and 13:1B-15.128 et seq.

Source and Effective Date

R.2008 d.261, effective August 5, 2008.
See: 40 N.J.R. 1428(a), 40 N.J.R. 4945(b).

Chapter Expiration Date

Chapter 4, The New Jersey Register of Historic Places Rules, expires on August 5, 2013.

Chapter Historical Note

Chapter 4, New Jersey Register of Historic Places, was adopted by R.1979 d.328, effective August 16, 1979. See: 11 N.J.R. 224(c). Section 2.2 was amended by R.1980 d.241, effective June 4, 1980. See: 12 N.J.R. 108(a), 12 N.J.R. 391(b).

Pursuant to Executive Order No. 66(1978), Chapter 4, New Jersey Register of Historic Places, expired on August 16, 1992.

Chapter 4, Procedures Concerning the New Jersey Register of Historic Places, was adopted as R.1992 d.318, effective August 17, 1992. See: 23 N.J.R. 2103(b), 24 N.J.R. 2926(a).

Pursuant to Executive Order No. 66(1978), Chapter 4, Procedures Concerning the New Jersey Register of Historic Places, was readopted by R.1997 d.373, effective August 14, 1997. See: 29 N.J.R. 2503(a), 29 N.J.R. 4103(b).

Chapter 4, The New Jersey Register of Historic Places Rules, was readopted as R.2003 d.110, effective February 7, 2003. As a part of R.2003 d.110, Subchapter 8, Consultation with Other Department Programs and Other Non-Federal Governmental Agencies, was adopted as new rules, effective March 17, 2003. See: 34 N.J.R. 3161(a), 35 N.J.R. 1410(a).

Chapter 4, The New Jersey Register of Historic Places Rules, was readopted as R.2008 d.261, effective August 5, 2008. See: Source and Effective Date. See, also, section annotations.

Cross References

Historic Preservation Grants, see N.J.A.C. 7:4D.

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SUBCHAPTER 1. GENERAL PROVISIONS

7:4-1.1 Purpose

(a) This chapter shall constitute the rules of the Department of Environmental Protection concerning the preservation of the State's historic, architectural, archaeological, engineering, and cultural heritage in accordance with the New Jersey Register of Historic Places Act, N.J.S.A. 13:1B-15.128 et seq. This chapter contains rules on three distinct procedures administered by the Department through the Historic Preservation Office:

1. The nomination of historic sites to the New Jersey Register and the submission of historic sites to the National Register of Historic Places in a complementary process to 36 C.F.R. 60 which sets forth the Federal procedures for the National Register;
2. The procedures and criteria for evaluating the impact of public undertakings on historic properties listed in the New Jersey Register; and
3. A consultation process that may be used by other Department programs or non-Federal governmental agencies, in regard to identifying historic sites, assessing the potential effects of projects on such sites and recommending possible alternatives or mitigation for those effects.

Amended by R.1997 d.373, effective September 15, 1997.
See: 29 N.J.R. 2503(a), 29 N.J.R. 4103(b).
Amended by R.2003 d.110, effective March 17, 2003.
See: 34 N.J.R. 3161(a), 35 N.J.R. 1410(a).
Rewrote the section.

Law Review and Journal Commentaries

Remediating and redeveloping historic properties. 165 N.J.L.J. 102 (2001).

7:4-1.2 Severability

If any section, subsection, provision, clause or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

7:4-1.3 Definitions

The following words and phrases, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise. However, if a term is also defined at N.J.A.C. 7:4-8.1, then that definition shall supersede the definition in this section for purposes of N.J.A.C. 7:4-8.

“Acquisition” means the act or process of acquiring fee title or interest other than fee title of real property (including the acquisition of development rights or remainder interest).

“Act” means the “New Jersey Register of Historic Places Act”, P.L. 1970, c.268, N.J.S.A. 13:1B-15.128 et seq., or subsequent amendments thereto.

“Area” means a district as defined in this section.

“Area of undertaking’s potential impact” means that geographical area within which direct and indirect effects generated by the undertaking as defined in this section, could reasonably be expected to occur.

“Building(s)” means a structure created to shelter any form of human activity. Examples include a single construction such as a house, barn, courthouse, city hall, social hall, commercial building, library, factory, mill, train depot, fort, residence, hotel, theater, school, store, or church, or a small group of buildings consisting of a main building and subsidiary buildings that are functionally and historically related such as a courthouse and jail, house and barn, mansion and carriage house, church and rectory, or farm house and related out buildings, created to shelter any form of human activity.

“Certified Local Government” means a local government certified by the Department and the National Park Service to participate in Federal and State historic preservation programs pursuant to the National Historic Preservation Act of 1966 as amended.

“Chief elected local official” means the mayor, county executive or other titled chief elected administrative official who is the elected head of the local political jurisdiction in which the property is located.

“Commissioner” means the Commissioner of the Department of Environmental Protection.

“Contributing property” means a building, site, structure, or object that adds to the historic architectural qualities, historic associations, or archaeological values for which a property is significant because:

1. It was present during the period of significance, and possesses historic integrity reflecting its character at that time or is capable of yielding important information about the period; or
2. It independently meets the New Jersey Register criteria set forth in N.J.A.C. 7:4-2.3.

“Cyclic maintenance” means that type of maintenance that is performed less frequently than annually and involves replacement or major mending of the fabric of a historic property, an example of which would be a complete re-roofing of a building.

“Damage” means partial physical harm or demolition of a historic property.

“Department” means the Department of Environmental Protection, Division of Parks and Forestry, Historic Preservation Office.

“District” means a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.