

NEW JERSEY STATE LIBRARY

CHAPTER 4

PROCEDURES CONCERNING THE NEW JERSEY REGISTER OF HISTORIC PLACES

Authority

N.J.S.A. 13:1B-3, 13:1D-9 and 13:1B-15.128 et seq.

Source and Effective Date

R.1992 d.318, effective August 17, 1992.
See: 23 N.J.R. 2103(b), 24 N.J.R. 2926(a).

Executive Order No. 66(1978) Expiration Date

Chapter 4, Procedures Concerning the New Jersey Register of Historic Places, expires on August 17, 1997.

Chapter Historical Note

All provisions of this chapter "New Jersey Register of Historic Places" were adopted pursuant to authority of N.J.S.A. 13:1B-15.129 and became effective August 16, 1979, as R.1979 d.328. See: 11 N.J.R. 224(c), 11 N.J.R. 434(a). Amendment to 2.2 became effective June 4, 1980 as R.1980 d.241. 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, 1984. Chapter 4 was adopted as new rules by R.1992 d.318, effective August 17, 1992. See: Source and Effective Date.

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SUBCHAPTER 1. GENERAL PROVISIONS

7:4-1.1 Purpose

This chapter shall constitute the rules of the Department of Environmental Protection and Energy 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.

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.

"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 and Energy.

“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 and Energy, Division of Parks and Forestry, Office of New Jersey Heritage.

“District” means a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development. A district may also comprise individual elements that although linked by association or function were separated geographically during the period of significance, as a district of discontinuous archaeological sites or a canal system where manmade segments are interconnected by natural bodies of water. The concept of a discontinuous district applies only where visual continuity is not necessary to convey the historic interrelationship of a group of related resources. Examples include, but are not limited to, college campuses; central business districts; residential areas; commercial areas; industrial complexes; civic centers; rural villages; canal systems; collections of habitation and limited activity sites; irrigation systems; large estates, farms, ranches, or plantations; transportation networks; and large landscape parks.

“Emergency” means a situation in which the condition of a property is so damaged by an event such as, but not limited to, a natural disaster, major fire, serious accident or structural collapse, that it constitutes an immediate, direct, demonstrable, and severe hazard to the public safety. The poor condition of a property caused by long term deterioration shall not be considered an emergency.

“Encroachment” means the adverse effect upon any district, site, building, structure or object included in the New Jersey Register resulting from the undertaking of a project by the State, a county, municipality or an agency or instrumentality thereof, as determined by application of the Criteria for Determining Whether an Undertaking Constitutes an Encroachment set forth in N.J.A.C. 7:4-5.4 and the Standards for Historic Preservation Projects and Guidelines for Applying the Standards (36 C.F.R. 1207) or subsequent amendments thereto adopted by the Secretary of the United States Department of the Interior.

“Historic Preservation Commission” means the commission created by an ordinance adopted by the local governing body pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-107 through 112.

“Historic property” means any district, site, building, structure or object significant in American history, architecture, archaeology, engineering and culture.