

APPENDIX A

New Jersey Statutory and Administrative Laws on Surveying

13:9A - 1. Legislative intent; inventory and mapping of tidal wetlands; filing in office of county recording officer

a. The Legislature hereby finds and declares that one of the most vital and productive areas of our natural world is the so-called "estuarine zone," that area between the sea and the land; that this area protects the land from the force of the sea, moderates our weather, provides a home for water fowl and for 2/3 of all our fish and shellfish, and assists in absorbing sewage discharge by the rivers of the land; and that in order to promote the public safety, health and welfare, and to protect public and private property, wildlife, marine fisheries and the natural environment, it is necessary to preserve the ecological balance of this area and prevent its further deterioration and destruction by regulating the dredging, filling, removing or otherwise altering or polluting thereof, all to the extent and in the manner provided herein.

b. The Commissioner of Environmental Protection shall, within 2 years of the effective date of this act, make an inventory and maps of all tidal wetlands within the State. The boundaries of such wetlands shall generally define the areas that are at or below high water and shall be shown on suitable maps, which may be reproductions or aerial photographs. Each such map shall be filed in the office of the county recording officer of the county or counties in which the wetlands indicated thereon are located. Each wetland map shall bear a certificate of the commissioner to the effect that it is made and filed pursuant to this act. To be entitled to filing no wetlands map need meet the requirements of R.S. 47:1-6.

L.1970, c. 272, § 1, eff. Nov. 5, 1970.

Historical Note

Title of Act:

An Act concerning the protection of natural resources in coastal wetlands, providing for the designation by the Commissioner of Environmental Protection of certain coastal wetlands after public hearing, and requiring from the commissioner prior to the dredging, removing, filling or otherwise altering or polluting coastal wetlands. L.1970, c. 272.

ARTICLE 3D. ENTRY UPON EASEMENTS AND RIGHTS OF WAY

48:3-17.9. Definitions

As used herein:

- (a) "Public utility" means any public utility defined in 48:2-13;
- (b) "Right-of-way" means the area devoted to passing over, on, through or under lands with utility plant facilities as part of a way for such purpose;
- (c) "Easement" means privileges essential or appurtenant to the enjoyment of a right-of-way; and
- (d) "Emergency" means any time a public utility service is interrupted or in immediate danger of being interrupted by the elements or by any other cause or when the condition of the equipment of the public utility is in need of immediate repair to prevent injury to persons, or damage to property.

L.1969, c. 182, § 1.

48:3-17.10. Notice to landowner before entry

It shall be unlawful for any public utility to enter upon any lands in which it has acquired an easement or right-of-way, for the purpose of erecting, installing, moving, removing, altering or maintaining any structures or fixtures thereon, other than structures or fixtures owned by the public utility, or for the purpose of maintaining such easement or right-of-way by cleaning moving, cutting or destroying any trees, shrubs, plants or other growth thereon unless and until not less than 5 days' notice of such entry shall be given to the owner of the lands subject to such easement or right-of-way personally or by certified or registered mail addressed to the owner at his address as shown by the assessment records of the municipality in which the land is situate, but nothing herein shall prohibit entry without notice in any case

- (a) Of an emergency, or
- (b) Where such notice is waived by the owner, or

- (c) Where the easement or right-of-way contains an express provision permitting entry without notice or upon notice of a lesser period of time, which is compiled with,
- or
- (d) Where the owner consents to the entry of the public utility for such purposes, or
- (e) Where the structure, fixture, tree, shrub, plant or other growth, or portion thereof, to be dealt with as aforesaid, is located over, on, through or under any public street, road, highway or other public thoroughfare.
- L1969, c. 182, § 2.

27:7-21. Additional powers of commissioner

In addition to, and not in limitation of, his general powers, the commissioner may:

- a. Determine and adopt rules, regulations and specifications and enter into contracts covering all matters and things incident to the acquisition, improvement, betterment, construction, reconstruction, maintenance and repair of State highways;
- b. Execute and perform as an independent contractor or through contracts made in the name of the State, all work incident to the maintenance and repair of State highways;
- c. Establish and maintain as an independent contractor or employer a patrol repair system for the proper and efficient maintenance and repair of State highways;
- d. Employ and discharge, subject to the provisions of the Civil Service law, all foremen and laborers, prescribe their qualifications and furnish all equipment, tools and material necessary for such patrol repair system;
- e. Widen, straighten and regrade State highways;
- f. Vacate any State highway or part thereof;
- g. The commissioner and his authorized agents and employees may enter upon any lands, waters and premises in the State, after giving written notice to the recorded owner at least three days prior thereto, for the purpose of making surveys, soundings, drillings, borings and examinations as he may deem necessary or convenient for the purposes of this Title, and such entry shall not be deemed a trespass; nor shall such entry be deemed an entry under any condemnation proceedings which may be then pending. The commissioner shall make reimbursement for any actual damages resulting to such lands, waters and premises as a result of such activities;
- h. Enter into cooperative agreements with any State department, agency or authority or any county or municipality enabling the State to negotiate for and condemn lands and also provide relocation services and payments deemed necessary for the effectuation of State or federally financed State Aid Transportation and related Programs;
- i. Enter into agreements with the New Jersey Turnpike Authority with respect to the funding of the resurfacing, restoring, rehabilitation and reconstructing of the I-95 Extension of the New Jersey Turnpike through the allocation of monies apportioned by the United States Department of Transportation pursuant to 23 U.S.C. s.119 or a successor program. Any such agreement shall be subject to the continued eligibility of the I-95 Extension for federal aid, the availability of funds appropriated by Congress and the appropriation of funds by the Legislature for that purpose. No such agreement shall constitute or create a debt or liability of the State within the meaning of any constitutional or statutory limitation nor shall any such agreement constitute a pledge of either the faith and credit or the taxing power of the State; and
- j. Do whatever may be necessary or desirable to effectuate the purposes of this Title.

Amended 1967,c.174; 1972,c.56; 1991,c.183,s.2.

Assembly Higher Education and Regulated Professions Committee Statement Assembly, No. 5048-L. 1989. c. 276

The Assembly Higher Education and Regulated Professions Committee favorably report Assembly Bill No. 5048 with amendments.

As amended by committee, this bill changes certain of the provisions regarding the practice of engineering by expanding and revising the definition of professional engineering. The bill also expands the definition of "responsible charge" and permits the State Board of Professional Engineers and land

Surveyors to issue certificates of authorization to certain corporations for the provision of engineering and land surveying services. The certificate of authorization shall designate a New Jersey licensee or licensees who are in responsible charge of the engineering or land surveying activities and decisions of the corporation. All final drawings, papers or documents involving the practice of engineering or the practice of land surveying, when issued by the corporation or filed for public record, shall be signed and sealed by the New Jersey licensee who is in responsible charge of the work.

The bill also provides for review of complaints to the Joint Committee of Architects and Engineers, which is to be established by a companion bill the "Building Design Services Act," of 1989. Under the provisions of that bill, the board:

- (1) May refer any complaint, question or controversy involving the application of that act to the joint committee.
- (2) Shall take no disciplinary action against any licensed architect alleged to have engaged in a violation of that act or the unlicensed practice of engineering.
- (3) Shall refer a request for a disciplinary ruling to the joint committee.
- (4) Shall provide any and all documents in its possession regarding any matter referred to the joint committee.
- (5) Shall, when necessary and appropriate, exercise the investigation or enforcement powers conferred by law to aid and assist the joint committee in its functions.
- (6) Shall discipline any unlicensed individual who, or unauthorized business association which, designs an engineering work in violation of that act. Such a violation shall be deemed the unlicensed practice of engineering. Any other violation of that act by an unlicensed individual or business association shall be disciplined by the New Jersey State Board of Architects. Such a violation shall be deemed the unlicensed practice of architecture.

The bill also repeals section 18 of P.L.1938, c. 342 (C. 45:8-44) which provided that all licensed land surveyors must maintain a place of business with a conspicuous sign including his name, address and the designation "Licensed Land Surveyor."

The committee amended the bill to delete a partnership of certified landscape architects as one of the groups eligible to offer engineering services under the bill's provisions. The committee also made a variety of technical amendments to the bill.

Historical and Statutory Notes

1989 Legislation

Section 13 of L.1989, c. 276, approved Jan. 9, 1990, provides:

"This act shall take effect immediately but shall remain inoperative until 120 days following the enactment into law of P.L.1989, c. 275 (C....) and P.L.1989, c. 277 (C. 45:4B-1 et seq.). [Both approved Jan. 8, 1990]"

Administrative Code References

Board of professional engineer-, and land surveyors, see N.J.A.C. 13:40-1.1 et seq.

Contract requirement, see N.J.A.C. 13:40- 1.0. 1.

Notes of Decisions

2. Obligation to obtain license

Licenses to practice professional engineering or professional land surveying are required as a matter of public policy of state. *Hyland v. Ponzio*, 159 N.J.Super. 233, 387 A.2d 1206 (A.D.1978).

45:8-28. Definitions

2. (a) The term "professional engineer" within the meaning and intent of this chapter shall mean a person who by reason of his special knowledge of the mathematical and physical sciences and the principles and methods of engineering analysis and design, acquired by professional education and practical experience, is qualified to practice engineering as hereinafter defined as attested by his license as a professional engineer.

(b) The terms "practice of engineering" or "professional engineering" within the meaning and intent of this chapter shall mean any service or creative work the adequate performance of which requires engineering education, training, and experience and the application of special knowledge of the mathematical, physical and engineering sciences to such services or creative work as consultation, investigation, evaluation, planning and design of engineering works and systems, planning the use of land and water, engineering studies, and the administration of construction for the purpose of determining compliance with drawings and specifications; any of which embraces such services or work, either public

or private, in connection with any engineering project including: utilities, structures, buildings, machines, equipment, processes, work systems, projects, telecommunications, or equipment of a mechanical, electrical, hydraulic, pneumatic or thermal nature, insofar as they involve safeguarding life, health or property, and including such other professional services as may be necessary to the planning, progress and completion of any engineering services. The design of buildings by professional engineers shall be consistent with section 7 of the "Building Design Services Act," P.L.1989, c.277 (C.45:4B-7).

The practice of professional engineering shall not include the work ordinarily performed by persons who operate or maintain machinery or equipment. The provisions of this chapter shall not be construed to prevent or affect the employment of architects in connection with engineering projects within the scope of the act to regulate the practice of architecture and all the amendments and supplements thereto.

A person shall be construed to practice or offer to practice engineering, within the meaning and intent of this chapter, who practices any branch of the profession of engineering; or who, by verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself to be a professional engineer, or through the use of some other title utilizing or including the word engineer, implies that he is a professional engineer; or who represents himself as able to perform, or who does perform any engineering service or work or any other professional service recognized by the board as professional engineering.

Nothing herein shall prohibit licensed architects from providing or offering services consistent with the "Building Design Services Act," P.L.1989, c.277 (C.45:4B-1 et seq.).

(c) The term "engineer-in-training" as used in this chapter shall mean a person who is a potential candidate for license as a professional engineer who is a graduate in an approved engineering curriculum of four years or more from a school or college accredited by the board as of satisfactory standing, and who, in addition, has successfully passed an examination in the fundamental engineering subjects, as defined elsewhere herein.

(d) The term "land surveyor" as used in this chapter shall mean a person who is a professional specialist in the technique of measuring land, educated in the principles of mathematics, the related physical and applied sciences, and the relevant requirements of law, all requisite to the practice of land surveying as attested by his license as a land surveyor.

(e) The term "practice of land surveying" within the meaning and intent of this chapter shall mean any service or work the adequate performance of which involves the application of special knowledge of the principles of mathematics, the related physical and applied sciences and the relevant requirements of law to the act of measuring and locating distances, directions, elevations, natural and man-made topographical features in the air, on the surface of the earth, within underground workings, and on beds of bodies of water for the purpose of determining areas and volumes, and for the establishing of horizontal and vertical control as it relates to construction stake-out, for the monumentation of property boundaries and for the platting and layout of lands and subdivisions thereof and for the preparation and perpetuation of maps, record plats, field notes, records and property descriptions in manual and computer coded form that represent these surveys. The practice of land surveying shall include the establishment and maintenance of the base mapping and related control for land information systems that are developed from the above referenced definition of the practice of land surveying.

For purposes of this subsection, "land information systems" means any computer coded spatial database designed for multi-purpose public use developed from or based on property boundaries.

A person who engages in the practice of land surveying; or who, by verbal claim, sign, advertisement, letterhead, card or in any other way represents himself to be a land surveyor or professional surveyor; or who represents himself as able to perform any land surveying service or work or any service which is recognized as within the practice of land surveying shall be deemed to practice or offer to practice land surveying.

Nothing in this chapter shall preclude a person licensed by the board as a professional engineer from performing those measurements necessary for the design, construction stake-out, construction and post-construction records of an engineering project, provided that these measurements are not related to

property lines, lot lines, easement lines, or right-of-way lines, the establishment of which are required to be made by a land surveyor.

(f) The term "board" as used in this chapter shall mean the State Board of Professional Engineers and Land Surveyors.

(g) The term "responsible charge" as used in this chapter shall mean the rendering of regular and effective supervision by a competent professional engineer or land surveyor to those individuals performing services which directly and materially affect the quality and competence of the professional services rendered by the licensee. A licensee engaged in any of the following acts or practices shall be deemed not to have rendered regular and effective supervision:

(1) The regular and continuous absence from principal office premises from which professional services are rendered, except for performance of field work or presence in a field office maintained exclusively for a specific project;

(2) The failure to personally inspect or review the work of subordinates where necessary and appropriate;

(3) The rendering of a limited, cursory or perfunctory review of plans or projects in lieu of an appropriate detailed review;

(4) The failure to personally be available on a reasonable basis or with adequate advance notice for consultation and inspection where circumstances require personal availability.

(h) The term "certificate of authorization" shall mean a certificate issued by the board pursuant to this amendatory and supplementary act.

(i) The term "joint committee" shall mean the Joint Committee of Architects and Engineers established pursuant to the "Building Design Services Act," P.L.1989, c.277 (C.45:4B-1 et seq.).

(j) The term "closely allied professional" as used in this chapter shall mean and is limited to licensed architects, professional engineers, land surveyors, and professional planners.

(k) The term "telecommunications" as used in this chapter, shall mean, as it is applied to the practice of engineering, subjects which deal with the generation, transmission, receiving, and processing of information bearing signals for the purpose of fulfilling a particular communication need. The most common forms of signals are those encountered in voice, image and data transmission. Subjects relevant to telecommunications include but are not limited to: analog and digital circuits, propagation of electromagnetic energy through guided media such as a transmission line, fibers, wave guides, and unguided media such as free space as in broadcast and mobile communication systems, communication theory, including modulation, noise interference, and the interface with computers.

(l) The term "surveyor-in-training" as used in this chapter shall mean a person who is a potential candidate for licensure as a land surveyor, who is a graduate in an approved surveying curriculum of four years or more from a school or college accredited by the board as of satisfactory standing, and who, in addition, has successfully passed an examination in the fundamental surveying subjects, approved by the board pursuant to section 9 of P.L. 1938, c.342 (C.45:8-35).

L.1938,c.342,s.2; amended 1950,c.149,s.2; 1970,c.177,s.2; 1977,c.340,s.1; 1989,c.276,s.2; 1992,c.64,s.1.

45:8-39. Practice without license and other violations; penalties; actions for penalties

13. a. Any person who, hereafter, is not legally authorized to practice professional engineering or land surveying in this State according to the provisions of this act, who shall so practice or offer so to practice in this State, except as provided in section 14 of this act, or any person presenting or attempting to file as his own the certificate of license of another, or who shall give false or forged evidence of any kind to the board, or to any member or representative thereof, in obtaining a certificate of license, or who shall

falsely impersonate another licensed practitioner of like or different name, or who shall use or attempt to use an expired certificate of license, an unexpired and revoked certificate of license, or a certificate of license which is on a retired status list, or who shall use either the title "Engineer-in-Training" or "Surveyor-in-Training" without holding a valid certificate of registration issued by the board, or who shall otherwise violate any of the provisions of this act, shall be subject to a penalty of not more than \$200.00 for the first offense and not more than \$500.00 for each and every subsequent offense. The penalties provided for by this section shall be sued for and recovered in civil actions by the State Board of Professional Engineers and Land Surveyors.

b. Pursuant to the provisions of the "Building Design Services Act," P.L.1989, c.277 (C.45:4B-1 et seq.) the board:

(1) May refer any complaint, question or controversy involving the application of that act to the joint committee.

(2) Shall take no disciplinary action against any licensed architect alleged to have engaged in a violation of that act or the unlicensed practice of engineering.

(3) Shall refer a request for a declaratory ruling to the joint committee.

(4) Shall provide any and all documents in its possession regarding any matter referred to the joint committee.

(5) Shall, when necessary and appropriate, exercise the investigation or enforcement powers conferred by law to aid and assist the joint committee in its functions.

(6) Shall, consistent with that act, discipline any professional engineer who, or business association authorized to offer engineering services which, violates that act. Such a violation shall be deemed professional misconduct. Any violation of that act by an unlicensed individual or unauthorized business association shall be disciplined by the New Jersey State Board of Architects pursuant to the provisions of P.L.1978, c.73 (C.45:1-14 et seq.). Such a violation shall be deemed the unlicensed practice of architecture. However, the design of an engineering work by an unlicensed individual or unauthorized business association shall be disciplined by the State Board of Professional Engineers and Land Surveyors pursuant to the provisions of P.L.1978, c.73 (C.45:1-14 et seq.). Such a violation shall be deemed the unlicensed practice of engineering.

c. No person, firm, partnership, association or corporation shall bring or maintain any action in the courts of this State for the collection of compensation for services constituting the practice of engineering or land surveying without alleging and proving that he was duly licensed in accordance with this chapter at the time the alleged cause of action arose.

d. The Superior Court shall have jurisdiction of actions for penalties under this act.

L.1938,c.342,s.13; amended 1947,c.60,s.2; 1950,c.149,s.13; 1952,c.129; 1953,c.43,s.38; 1970,c.177,s.3; 1989,c.276,s.4; 1992,c.64,s.4; 1995,c.36,s.2.

45:8-40. Persons exempt

The following shall be exempted from the provisions of this chapter:

(1) A person not a resident of and having no established place of business in this State, practicing or offering to practice herein professional engineering or land surveying within the meaning and intent of this chapter, when such practice does not exceed in the aggregate 30 consecutive days in any calendar year; provided, such person is legally qualified by license to practice said professional engineering or land surveying in any State or country in which the requirements and qualifications for a certificate of license are at least comparable to those specified in this chapter.

However, no final plans or reports may be submitted under this provision.

(2) A person not a resident of and having no established place of business in this State, or who has recently become a resident thereof, practicing or offering to practice herein for more than 30 days in any calendar year professional engineering or land surveying, if he shall have filed with the board an application for a certificate of license and shall have paid the fee required by this chapter; provided, that such a person is legally qualified to practice said professional engineering or land surveying in any State or country in which the requirements and qualifications for obtaining a license are at least comparable to those specified in this chapter. Such exemption shall continue only for such time as the board requires for the consideration of the application for license certificate.

(3) An employee or a subordinate of a person holding a license under this chapter or an employee of a person exempted from license by subsections (1) and (2) of this section; provided, this practice does not include responsible charge of design or supervision.

(4) Officers and employees of the Government of the United States while engaged within this State in the practice of professional engineering or land surveying, for said government.

(5) The practice of engineering or land surveying solely as an officer or employee of a corporation engaged in interstate commerce as defined in an act of Congress entitled "Act to regulate commerce," approved February 4, 1887, and as amended, unless the same affects public safety or health.

L.1938, c. 342, p. 866, s. 14. Amended by L.1950, c. 149, p. 327, s. 14; L.1977, c. 340, s. 5, eff. Jan. 25, 1978.

45:8-41. Licensed engineers and surveyors on public contracts or works required

Hereafter no county, city, town, township, village, borough or other municipal corporations or other Political subdivisions in the State shall engage in the design, construction or maintenance of any public work involving professional engineering for which plans, specifications and estimates have not been made by and the construction and maintenance supervised by a licensed professional engineer or a registered architect, nor shall any county, city, town, township, village, borough or other municipal corporation or other political subdivision in the State employ any person to perform work involving land surveying except a licensed land surveyor.

45:8-43. Filing of name of engineer engaged by governmental departments; employment of engineers and land surveyors

The clerk of such department, institution, commission, board or body of the State Government or of any political subdivision thereof shall file with the secretary-director of the State Board of Professional Engineers and Land Surveyors the name of any engineer designated, appointed or employed, within 30 days after appointment. Where professional engineers or land surveyors are employed, subject to the provisions of the civil service law, the appointment of any such person shall be understood to mean and include appointment after such person has been certified as having satisfactorily passed a civil service examination. No person, firm, association or corporation engaged in engineering or land surveying, shall employ an engineer or land surveyor, in responsible charge of any work, within the meaning and intent of this act, other than a duly qualified professional engineer or land surveyor, who has been licensed pursuant to the provisions of this chapter, prior to such employment by the person, firm, association or corporation so engaged in engineering or land surveying; provided, however, that nothing in this chapter shall apply to any public utility as defined in chapter 2 of Title 48 of the Revised Statutes, or any

employee thereof or to any improvement or proposed improvement made by any such public utility or by any employee of or any contractor or agent for said public utility.

Nothing in this chapter shall apply to a corporation or any of its affiliated companies any of which are in the field of telecommunications or any employee thereof where either said corporation or any of its affiliated companies is subject to the jurisdiction of the State Board of Public Utilities or the Federal Communications Commission.

Nothing in this chapter shall apply to a corporation in the field of telecommunications, or to its affiliates, or any employees thereof in which the primary business is research and technical development manufacturing or product design.

L.1938, c.342, s.17; amended 1950,c.149,s.17; 1989,c.276,s.6.

Historical and Statutory Notes

1989 Legislation

L-1989. c. 276 operative 120 days after Jan. 8, 1990. see Historical and Statutory Notes under § 45:8-27.

Statement: Committee statement to Assembly, No. 5048-L.1989. c. 276, see 1 45:8.27.

45:8-44. Repealed by L.1989, c. 276, § 12, eff. Jan. 8, 1990

Historical and Statutory Notes

1989 Legislation

L.1989. c. 276 operative 120 days after Jan. 8, 1990, see Historical and Statutory Notes under § 45:8-27.

Statement: Committee statement to Assembly, No. 5048-L.1999, c. 276, see § 45:8-27.

45:8-44.1. Authority of land surveyors to go on, over and upon lands of others during reasonable hours

A person licensed to practice land surveying as provided in P.L.1938. c. 342 (C. 45:8-27 et seq.) and any of his agents, servants or employees under his direction who are necessary to make a land survey shall have the authority to go on, over and upon lands of others during reasonable hours when necessary to make land surveys if:

a. The licensed professional land surveyor has made a reasonable attempt, as defined in this section, to notify the owner of the land and, in the case of a lease, the lessee thereof, of his desire to enter on, over and upon the owner's or lessee's land to make a land survey and, the attempt having failed, the licensed professional land surveyor has given written notice, seven days prior to the proposed entry, to the municipal police department of the municipality in which the land is located of his intention to enter, containing the names, addresses, and telephone numbers of those who propose to enter the land and the date, time, duration, and location of the proposed entry; and

b. The land or any part thereof, to which entry is sought, is not enclosed by a constructed or natural barrier which is at least 6 feet in height or is not posted with signs or notices which prohibit trespassing and contain the name and address of the owner or lessee of the land;

c. As used in this section a "reasonable attempt" to notify an owner or lessee means: an attempt to seek acknowledgment of the owner of the land and, in the case of a lease, the lessee thereof, by certified mail, return receipt requested, the attempt to be made a second time if unsuccessful the first time and a third time if unsuccessful the second time, each attempt to be made on a separate business day.

L.1983, c. 460, § 1, eff. Jan. 12, 1984.

Historical and Statutory Notes

Tide of Act:

An Act authorizing licensed professional land surveyors to enter lands of third parties under certain circumstances. L.1983, c. 460.

45:8-45 Certificate and seal of licensed engineer, surveyor or architect on plans and specifications on public work

No department, institution, commission, board or body of the State Government, or any political subdivision thereof, being the depository or having the custody of any plan or specification involving professional engineering, shall receive or file any such plan or specification unless there is affixed thereto the seal of a professional engineer licensed pursuant to the provisions of this chapter, or the seal of a registered architect thereon nor receive or, file any plan involving land surveying unless there is affixed thereto the seal of a land surveyor licensed pursuant to this chapter.

L.1938, c. 342, p. 869, § 19. Amended by L.1950, c. 149, p. 330, § 18.

Historical Note

The 1950 amendment omitted the words "involving professional engineering" following the words "plan or specification", substituted "unless there is affixed thereto the seal" for "unless there shall be attached there to the

certificate and seal", and omitted the words "or specification" following the words "file any plan" and preceding the words "involving land surveying".

46:23-9.14. Prerequisites to filing

The county recording officer shall not accept for filing any map unless it has endorsed thereon a certificate signed and sealed with the municipal seal by the municipal.. clerk or secretary of the planning board as the case may be, stating that the proper authority has approved the map or stating its exemption from approval which certificate shall state that said map complies with the provisions of this law and shall designate the day on or before which said map is required to be filed by the provisions of the applicable law and provided that said map is filed on or before said designated day.

47:1-6. Maps; requirements prerequisite to filing In certain offices

No map, plat, plan or char-t of lands, required or that may be required by law to be filed, or that may be presented to the clerk of the County Court, register of deeds and mortgages or surrogate in any county of this State, shall be received for filing unless the same shall be made upon translucent tracing cloth, with fast colored, waterproof ink and be accompanied by a cloth print duplicate.

Amended by L1953, c. 45, p. 828, § 2, eff. March 19, 1953.

Historical Note

Source: L1914, c. 12, § 1, p. 25 [1924 Suppl. § 44-98d].

The 1953 amendment substituted " county court" for "court of common pleas."

46:23-9.15. Filing and indexing of maps, fee

The county recording officer of each county shall, when received by him for that purpose in accordance with the provisions of this law file in folios, slides, cabinets or other receptacles, maps of land lying in whole or in part in the county where the same are offered to be filed; provided that he shall retain the original tracing on translucent tracing cloth or its equivalent unmounted in an appropriate file or container, for preservation and use for reproduction purposes only, prints of which may be made available to the public at a reasonable cost. He shall endorse on the tracing and cloth print duplicate the date of the filing thereof in his office, and he shall provide and keep a proper index of all maps on file in his office. The county recording officer shall, for filing and indexing each map receive such fee as may be provided by law, except that when any map shall be presented for filing by the State of New Jersey, or any of its agencies no fee shall be charged for the filing thereof.

L.1960, c. 141, p. 669, § 7, eff. Jan. 1, 1961.

Historical Note

Prior Laws: C. 46:23-9.6 (L.1953, c. 358, p. 1941, § 6).
R.S. 46:23-9.

L.1910, c. 83, § 1. p. 122 (C.S. p. 1574, § 118). L.1927, c. 54, § 1, p. 107.

CHAPTER 218

An Act concerning the official survey base of the State and amending
R.S.51:3-7 and R.S.51:3-8.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. R.S.51:3-7 is amended to read as follows:

Official survey base established; plane co-ordinates.

51:3-7. The official survey base for New Jersey shall be a system of plane co-ordinates to be known as the New Jersey system of plane co-ordinates, said system being defined as a transverse Mercator projection of the Geodetic Reference System of 1980, having a control meridian 74° 30' west from Greenwich on which meridian the scale is set at one part in 10,000 too small. All co-ordinates of the system are expressed in meters, the x co-ordinate being measured easterly along the grid and the y co-ordinate being measured northerly along the grid, the origin of the co-ordinates being on the meridian 74° 30' west from Greenwich at the intersection of the parallel 38° 50' north latitude, such origin being given the co-ordinates x = 150,000 meters; y=0 meters. The precise position of said system shall be as marked on the ground by triangulation or traverse stations established in conformity with the standards adopted by the National Geodetic Survey, formerly the United States Coast and Geodetic Survey for first and second-order work whose geodetic positions have been rigidly adjusted on the North American Datum of 1983 or the most recently published adjustment by the National Geodetic Survey, and whose plane co-ordinates have been computed on the system defined. The New Jersey co-ordinate system defined by the North American Datum of 1927 may be used concurrently with or in lieu of the system defined by the North American Datum of 1983 for a period of 36 months after the effective date of this amendatory act, P.L.1989, c.218.

Standard conversions from meters to feet shall be the adopted standards of the National Oceanic and Atmospheric Administration.

2. R.S.51:3-8 is amended to read as follows:

Connecting property surveys with system of co-ordinate".

51:3-8. Any triangulation or traverse station established as described in section 51:3-7 of this title shall be used in establishing a connection between a property survey and the above-mentioned system of rectangular co-ordinates.

3. This act shall take effect immediately.
Approved December 29, 1989.

51:3-9. Indorsement of surveys

No survey of lands hereinafter made shall have endorsed thereon any legend or other statement indicating that it is based upon the New Jersey system of plane co-ordinates unless the co-ordinates have been established on that system as herein defined.

Historical Note

Source: I 1935, c. 116 § 3 p. 300.

51:3-10. Reliance wholly on system not required

Nothing in this article contained shall be interpreted as requiring any purchaser or mortgagee to rely on a description based wholly upon the aforesaid system.

CHAPTER 118

An Act concerning geodetic markers and information, supplementing P. L. 1966, c. 301 (C. 27:1-A-1 et seq.) and repealing P. L. 1938, c. 225 (C. 51:3-11 et seq.).

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey* :

C. 27:1A-5.5 Transportation Department responsibility,

1. The Commissioner of Transportation shall: a. receive, preserve and make available to engineers, surveyors and others all records related to bench marks, plane coordinate monuments and triangulation stations provided for by R. S. 51:3-7 to R. S. 51:3-10, inclusive; b. inspect periodically all these marks, monuments and stations, replacing any which may have been destroyed or establishing new ones in lieu thereof; and c. erect new marks, monuments and stations wherever he considers it to be in the public interest to do so.

The commissioner shall establish a schedule of fees to be charged for supplying copies of maps, diagrams and reports and for providing elevations of bench marks, positions of plane coordinate monuments or other geodetic data.

2. All files, books, papers and records of the Department of Environmental Protection relating to the functions, powers and duties assigned to that department by sections 1 and 2 of P. L. 1938, c. 225 (C. 51:3-11 and C. 51:3-12) shall, upon the effective date of this act, be transferred to the Department of Transportation.

Repealer.

3. P. L. 1938, c. 225 (C. 51:3-11 et seq.) is repealed.
4. This act shall take effect immediately.

Approved October 8, 1986.

**Senate State Government, Federal and Interstate Relations and Veterans'
Affairs Committee Statement**

Assembly, No. 21-L.1989, c. 218

The Senate State Government, Federal and Interstate Relations and Veterans' Affairs Committee reports favorably and with committee amendments Assembly, No. 21.

This bill changes the system of plane coordinates which comprises the official survey base for the State. The plane coordinates system currently in use is a transverse Mercator projection of Clarke's spheroid of 1866, with a central meridian located 74° 40' west from Greenwich. Under the bill, the system will be a transverse Mercator projection of the Geodetic Reference System of 1980, with a central meridian located 74° 30' west from Greenwich. The bill also provides for the use of the North American Datum of 1983 or the most recently published adjustment by the National Geodetic Survey.

All coordinates of the system shall be expressed in meters rather than in feet. The bill revises the scale of the coordinate system from 1:40,000 (expressed in feet) to 1:10,000 (expressed in meters). It also provides that standard conversions from meters to feet shall be the adopted standards of the National Oceanic and Atmospheric Administration.

COMMITTEE AMENDMENTS

The committee amended the bill to correct the reference to the Geodetic Reference System of 1980 and to provide that the New Jersey coordinate system defined by the North American Datum of 1927 may be used concurrently with or in lieu of the system defined by the North American Datum of 1983 for a period of 36 months after the effective date of this act.

46:23-9.9. Short title

This act shall be known and may be cited as "the map filing law."

L.1960, c. 141, p. 662, s. 1, eff. Jan. 1, 1961.

46:23-9.10 Definitions.

2. Definitions. As used in this act:

a. "Map" means a map, plat, condominium plan, right of way parcel maps of the State, county or municipality, chart, or survey of lands presented for approval to the proper authority as hereinafter defined or presented for filing in accordance with the provisions of this act, but does not mean a map, plat or sketch required to be filed or recorded under the provisions of P.L.1957, c.130 (C.48:3-17.2).

b. "Municipal Engineer" means the official licensed professional engineer appointed by the proper authority of the municipality wherein the territory shown on a map is situate.

c. The term "Professional Engineer" within the intent of this act shall mean a person, who is qualified to practice professional engineering and as attested by his license as a professional engineer as provided by subsection a. of section 2 of P.L.1938, c.342 (C.45:8-28).

d. The term "Land Surveyor" as used in this act shall mean a person who is qualified to practice land surveying, and as attested by his license as a land surveyor as provided by subsection d. of section 2 of P.L.1938, c.342 (C.45:8-28).

e. "Proper authority" means the chief legislative body of a municipality or any other agencies to whom the authority for the approval of maps may be duly designated by ordinance.

f. "Right of way parcel map" means any right of way property parcel map of the State, county or municipality which shows highways, roads or street takings and any associated easements.

g. "Entire tract" means all of the property that is being subdivided including lands remaining after subdivision.

h. "Condominium plan" means a survey of the condominium property in sufficient detail to show and identify common elements, each unit and their respective locations and appropriate dimensions, which shall be filed in accordance with the requirements of section 3 of P.L.1960, c.141 (C.46:23-9.11). A condominium plan shall bear a certification by a land surveyor, professional engineer or architect authorized and qualified to practice in this State setting forth that the plan constitutes a correct representation of the improvements described.

L.1960,c.141,s.2; amended 1997, c.211, s.1.

46:23-9.11 Requirements for approval.

3. Requirements for Approval.

All subdivision plats, both major and where required minor, right of way parcel maps of the State, county or municipality, shall be filed in accordance with the provisions of P.L.1960, c.141 (C.46:23-9.9 et seq.). Right of way parcel maps shall meet the requirements of subsections a. through d., subsections f. through i., subsection m. and paragraph 12 of subsection r. of this section. Minor subdivision maps shall meet the requirements of subsections a. through i., and k. through q., and subsection j. except for the outside tract line monuments, and paragraph 13 of subsection r. of this section.

A condominium plan shall be filed in accordance with the requirements of subsections a. through c., subsections f. through i., and subsection m. of this section.

No map requiring approval by law or that is to be approved for filing with a county recording officer, shall be approved by the proper authority unless it shall conform to the following requirements:

a. It shall be clearly and legibly drawn, and where required endorsed and presented either as an original drawing in black ink on translucent tracing cloth, translucent mylars at least 4 mils thick or its equivalent, of good quality, with signatures in ink, or as an equivalent reproduction on photographic fixed line mylar 4 mils thick with signatures in black ink or its equivalent and shall be accompanied by a cloth print or photographic fixed line mylar 4 mils thick duplicate thereof.

b. It shall be one of six standard sizes namely, 8 1/2" x 13", 30" x 42", 24" x 36", 11" x 17", 18" x 24" or 15" x 21" as measured from cutting edges. If one sheet is not of sufficient size to contain the entire territory, the map may be divided into sections to be shown on separate sheets of equal sizes, with references on each sheet to the adjoining sheets.

c. It shall show the scale, which shall be inches to feet and be large enough to contain legibly written data on the dimensions, bearings and all other details of the boundaries, and it shall also show the graphic scale.

d. It shall show the dimensions, square footage of each lot to the nearest square foot or nearest one hundredth of an acre, bearings and curve data to include the radius, delta angle, length of arc, chord distance and chord bearing sufficient to enable the definite location of all lines and boundaries shown thereon, including public easements and areas dedicated for public use. Non-tangent curves and non-radial lines shall be labeled. Right of way parcel maps shall show bearings, distances and curve data for the right of way or the center line or base line and ties to right of way lines if from a base line.

e. Where lots are shown thereon, those in each block shall be numbered consecutively. In municipalities where tax maps exist, block and lot designations shall conform therewith, if the municipal regulations so require. In counties which have adopted or shall adopt the local or block system of indices pursuant to sections 46:24-1 to 46:24-22 of the Revised Statutes, it shall have delineated and shown thereon the block boundary or boundaries and designations established by the board of commissioners of land records of such counties respecting the territory intended to be shown on such map.

f. The reference meridian used for bearings on the map shall be shown graphically. The coordinate base, either assumed or based on the New Jersey Plane Coordinate System, shall be shown on the plat. A minimum of three corners distributed around the tract shall indicate the coordinate values.

g. All municipal boundary lines crossing or adjacent to the territory intended to be shown shall be shown and designated.

h. All natural and artificial watercourses, streams, shorelines and water boundaries and encroachment lines shall be shown. On right of way parcel maps all easements that affect the

right of way shall be shown and dimensioned, including but not limited to slope easements and drainage.

i. All permanent easements shall be shown and dimensioned including but not limited to sight right easements and utility easements.

j. The map shall clearly show all monumentation as required by this act, including monuments found, monuments set, and monuments to be set. An indication shall be made where monumentation found has been reset. The outside tract line monuments of the original tract prior to any sectionalizing shall be set prior to the filing of the map and a certification added pursuant to subsection n. of this section. For purposes of this subsection "found corners" shall be considered monuments.

k. It shall conform to such other technical design controls as may be required by the provisions of local ordinances, including but not limited to minimum street widths, minimum lot areas and minimum yard dimensions and should be shown as a chart on the plat.

l. The name of the subdivision, name of the last property owner or owners, municipality and county shall be shown.

m. The date of the survey shall be shown and the map shall be in accordance with the minimum survey detail requirements as promulgated by the State Board of Professional Engineers and Land Surveyors.

n. There shall be endorsed thereon a certificate of a land surveyor, as follows:

I hereby certify that to the best of my knowledge and belief this map and land survey dated meets the minimum survey detail requirements as promulgated by the State Board of Professional Engineers and Land Surveyors and has been made under my supervision, and complies with the provisions of "the map filing law" and that the outbound monuments as shown have been found or set.

(Include the following, if applicable)

I do further certify that the monuments as designated and shown hereon have been set.

.....

Licensed Professional Land Surveyor and No.

(Affix Seal)

If the land surveyor who prepares the map is different than the land surveyor who prepared the outbound survey, the following two certificates shall be added in lieu of the certificate above.

I hereby certify to the best of my knowledge information and belief that this land survey dated has been made under my supervision and meets the minimum survey detail requirements, promulgated by the State Board of Professional Engineers and Land Surveyors and that the outbound monuments as shown have been found or set.

.....

Licensed Professional Land Surveyor and No.

(Affix seal)

I hereby certify that this map has been made under my supervision and complies with the provisions of the "map filing law."

(Including the following if applicable)

I do further certify that the monuments as designated and shown hereon have been set.

.....

Licensed Professional Land Surveyor and No.

(Affix seal)

If interior monuments are to be set at a later date, the following requirements and endorsement shall be shown on the map.

The interior monuments shown on this map shall be set within an appropriate time limit as provided for in the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.) or local ordinance.

I certify that a bond has been given to the municipality, guaranteeing the future setting of the monuments shown on this map and so designated.

.....

Municipal Clerk

If the map is a right of way parcel map the project surveyor need only to certify that the monuments have been set or will be set.

o. There shall be endorsed thereon a certificate of the municipal engineer as follows:

I have carefully examined this map and to the best of my knowledge and belief find it conforms with the provisions of "the map filing law" resolution of approval and the municipal ordinances and requirements applicable thereto.

.....

Municipal Engineer

(Affix Seal)

p. There shall be submitted to the proper authority an affidavit setting forth the names and addresses of all the record title owners of the lands subdivided by said map and the consent in writing of all such owners to the approval of such map shall be required.

q. If the map shows streets, avenues, roads, lanes or alleys, there shall be endorsed thereon a certificate by the municipal clerk that the municipal body has approved such streets, avenues, roads, lanes or alleys, except where such map is prepared and presented for filing by the State of New Jersey or any of its agencies. The map shall show all of the street names as approved by the municipality.

r. Monuments are required on one side of the right of way only and shall be of metal detectable durable material at least 30 inches long. The top and bottom shall be a minimum of 4 inches square; if concrete, however it may be made of other durable metal detectable material specifically designed to be permanent, as approved by the State Board of Professional Engineers and Land Surveyors. All monuments shall include the identification of the professional land surveyor or firm. They shall be firmly set in the ground so as to be visible at the following control points; provided that in lieu of installation of the interior monuments, the municipality may accept bond with sufficient surety in form and amount to be determined by the governing body, conditioned upon the proper installation of said monuments upon the completion of the grading of the streets and roads shown on the map.

(1) At each intersection of the outside boundary of the whole tract, with the right-of-way line of any side of an existing street.

(2) At the intersection of the outside boundary of the whole tract with the right-of-way line on one side of a street being established by the map under consideration.

(3) At one corner formed by the intersection of the right-of-way lines of any 2 streets at a T-type intersection.

(4) At any two corners formed by the right-of-way lines of any two streets in an "X" or "Y" type intersection.

(5) If the right-of-way lines of two streets are connected by a curve at an intersection, monuments shall be as stipulated in (3) and (4) of this subsection at one of the following control points:

(a) The point of intersection of the prolongation of said lines.

(b) The point of curvature of the connecting curve or,

(c) The point of tangency of the connecting curve.

(6) At the beginning and ending of all tangents on 1 side of any street.

(7) At the point of compound curvature or point of reversed curvature where either curve has a radius equal to or greater than 100 feet. Complete curve data as indicated in subsection d. of this section shall be shown on both sides.

(8) At intermediate points in the sidelines of a street between 2 adjacent street intersections in cases where the street deflects from a straight line or the line of sight between the adjacent intersections is obscured by a summit or other obstructions which are impractical to remove. This requirement may necessitate the setting of additional monuments at points not mentioned above. Bearings and distances between the monuments or coordinate values shall be indicated.

(9) In cases where it is impossible to set a monument at any of the above designated points, a nearby reference monument shall be set and its relation to the designated point shall be clearly designated on the map; or the plate on the reference monument shall be stamped with the word "offset" and its relation to the monument shown on the filed map.

(10) In areas where permanency of monuments may be better insured by off-setting the monuments from the property line, the municipal engineer may authorize such procedure; provided, that proper instrument sights may be obtained and complete off-set data is recorded on the map.

(11) By the filing of a map in accordance with the provisions of "the map filing law," reasonable survey access to the monuments is granted, which shall not restrict in any way the use of the property by the landowner.

(12) On right of way parcel maps, the monuments shall be set at the points of curvature, points of tangency, points of reverse curvature and points of compound curvature or the control base line or center line, if used, and be intervisible with a second monument.

(13) On minor subdivisions a monument shall be set at each intersection of an outside boundary of the newly created lot(s) with the right of way line of any side of an existing street.

L.1960,c.141,s.3; amended 1997, c.211, s.2.

46:23-9.12. Time for approval

The proper authority shall approve or disapprove such map within 45 days from the receipt thereof.

L.1960, c. 141, p. 667, s. 4.

46:23-9.13. Approval of map by municipality not acceptance of roads, streets or highways

The approval of any map under this law by the proper authority shall in no way be construed as acceptance of any road, street or highway indicated thereon; nor shall any such approval in any way obligate the State of New Jersey or any county or municipality therein, to maintain or exercise jurisdiction over such roads, streets or highways.

L.1960, c. 131, p. 667, s. 5.

46:23-9.14. Prerequisites to filing

The county recording officer shall not accept for filing any map unless it has endorsed thereon a certificate signed and sealed with the municipal seal by the municipal clerk or secretary of the planning board as the case may be, stating that the proper authority has approved the map or stating its exemption from approval which certificate shall state that said map complies with the provisions of this law and shall designate the day on or before which said map is required to be filed by the provisions of the applicable law and provided that said map is filed on or before said designated day.

Said map shall also comply with the provisions of section 3, paragraphs a. and b. of this act in order to be accepted for filing.

L.1960, c. 141, p. 667, s. 6.

46:23-9.15. Filing and indexing of maps, fee

The county recording officer of each county shall, when received by him for that purpose in accordance with the provisions of this law file in folios, slides, cabinets or other receptacles, maps of land lying in whole or in part in the county where the same are offered to be filed; provided that he shall retain the original tracing on translucent tracing cloth or its equivalent unmounted in an appropriate file or container, for preservation and use for reproduction purposes only, prints of which may be made available to the public at a reasonable cost. He shall endorse on the tracing and cloth print duplicate the date of the filing thereof in his office, and he shall provide and keep a proper index of all maps on file in his office. The county recording officer

shall, for filing and indexing each map receive such fee as may be provided by law, except that when any map shall be presented for filing by the State of New Jersey, or any of its agencies no fee shall be charged for the filing thereof.

L.1960, c. 141, p. 669, s. 7.

46:23-9.16. Repeals

Sections 1 to 6, both inclusive, of chapter 358 of the laws of 1953 entitled "An act concerning the approval and filing of maps, supplementing chapter 23 of Title 46, and repealing sections 46:23-1, 46:23-2, 46:23-3, 46:23-4, 46:23-5, 46:23-6, 46:23-7, 46:23-8 and 46:23-9, of the Revised Statutes" (approved August 10, 1953, P.L.1953, c. 358) are hereby repealed.

L.1960, c. 141, p. 669, s. 8.

46:23-10. Duplicates of maps in cities having atlases or block maps filed with recording officer and transmitted to proper city officer

Whenever any map of lands situate in any city of this state that has or may have an atlas, or block map, upon which shall be plotted the lots or subdivision of lots of lands, is filed in the office of the county recording officer, or other officer, whose duty it is to record and file such maps, the person filing the same shall file a duplicate thereof, and the officer receiving such map shall indorse on such duplicate the time of recording and filing the original and deliver such duplicate to the officer of such city having charge of such city atlas or block map.

This section shall have no application to maps filed by commissioners appointed to assess benefits derived from the construction of sewers, drains or other municipal improvements.

46:23-11. Approval and filing of duplicates of maps identical with maps already filed except as to style or title thereof; effect

Whenever there has been or may be duly filed in the office of the county recording officer in any county maps of lands, and there have been made duplicate copies thereof, which copies have been delineated identically with the maps so filed, except for the style or title thereof, and such duplicate maps have not been filed in the office of such county recording officer, and there have been made conveyances of lands, or interests therein, and other instruments of similar nature, under which the lands intended to be conveyed or liened, have been described by reference to such unfiled map, the governing body of any municipality within this state and located in any such county may provide for the filing of a duplicate of such map delineated identically with the filed map, even though the title or style of the map may be in different form from the filed map approved by such municipality in the manner prescribed by law; but any such approval and filing shall not constitute a dedication of the streets or lot locations as therein delineated; and any such approval and filing of any such map shall be merely for the identification of the lands therefore

conveyed or liened, which approval shall be stated in the resolution adopted by the governing body approving such maps.

This above Law has been recently modified per P.L. 1999, Chapter 258, approved October 15, 1999, Assembly, No. 3025 .

To insure the most recent materials are referenced it is directed that all users of this material research the most recent Law at www.state.nj.us, and reference the DOT web site at www.state.nj.us/transportation.