

Reference to Registration Laws of Design Professional in PMPC

Ordinances and laws adopted by any entity within the Commonwealth that specify professional design or construction services are to be completed by persons from one or more of the design professions are most likely modifying the registration laws enacted by the State legislature. Such regulations may inadvertently restrict an entire profession from performing work that individuals within such profession are both educated and experienced to perform.

Section 503(1) of the Pennsylvania Municipalities Planning Code (PMPC) refers to both the Engineer, Land Surveyor and Geologist Registration Law and the Landscape Architects' Registration Law. The enactment of Act 165 of 1996 reconfirmed that the various design professions are permitted to perform and seal work related to subdivision and land development plans throughout the Commonwealth of Pennsylvania where such work is consistent with the definition of practice for each profession as set forth in their respective registration laws. However, this Act does not specifically exclude the right of any design profession to perform work in a manner consistent with its own registration law.

The following is the definition of practice for the various design professions as set forth in the current registration laws:

"Practice of architecture." The rendering or offering to render certain services, hereinafter described, in connection with the design and construction of a structure or group of structures which have as their principal purpose human habitation or use, and the utilization of space within and surrounding such structures. The services referred to in the previous sentence include planning, providing preliminary studies, designs, drawings, specifications, and other design documents, construction management and administration of construction contracts. The foregoing shall not be deemed to include the practice of engineering as such, for which separate registration is required under the provisions of the act of May 23, 1945` (P.L. 913, No. 367), known as the "Professional Engineers Registration Law," excepting only engineering work incidental to the practice of architecture.

(1) *"Practice of Engineering"* shall mean the application of the mathematical and physical sciences for the design of public or private buildings, structures, machines, equipment, processes, works or engineering systems, and the consultation, investigation, evaluation, engineering surveys, construction management, planning and inspections in connection therewith, the performance of the foregoing acts and services being prohibited to persons who are not licensed under this act as professional engineers unless exempt under other provisions of this act.

(2) The term *"Practice of Engineering"* shall also mean and include related acts and services that may be performed by other qualified persons, including but not limited to, municipal planning, incidental landscape architecture, teaching, con-

struction, maintenance and research but licensure under this act to engage in or perform any such related acts and services shall not be required.

(3) The foregoing shall not be deemed to include the practice of architecture as such, for which separate registration is required under the provisions of the act of July 12, 1919 (P.L. 933, No. 369), entitled "An act to regulate the practice of architecture in the Commonwealth of Pennsylvania by providing for the examination and registration of architects by a State Board of Examiners; defining the power and duties of said board of examiners; and providing penalties for the violation of this act," excepting only architectural work incidental to the "practice of engineering."

(4) The "*Practice of Engineering*" shall not preclude the practice of the sciences which shall include but not be limited to: soil science, geology, physics and chemistry.

"Practice of Land Surveying" means the practice of that branch of the profession of engineering which involves the location, relocation, establishment, reestablishment or retracement of any property line or boundary of any parcel of land or any road right-of-way, easement or alignment; the use of principles of land surveying, determination of the position of any monument or reference point which marks a property line boundary or corner setting, resetting or replacing any such monument or individual point including the writing of deed descriptions; procuring or offering to procure land surveying work for himself or others; managing or conducting as managers, proprietors or agents any place of business from which land surveying work is solicited, performed or practiced; the performance of the foregoing acts and services being prohibited to persons who are not granted certificates of registration under this act as a professional land surveyor unless exempt under other provisions of this act.

"Practice of landscape architecture." Means the performance of professional service such as consultation, investigation, research, planning, design, preparation of drawings and specifications, or responsible observation of construction in connection with the development of land areas where, and to the extent that, the dominant purpose of such services is the preservation, enhancement or determination of proper land uses, natural land features, planting, naturalistic and aesthetic values, the settings and approaches to structures or other circulation improvements, the shaping and contouring of land and water forms, the setting of grades and determining drainage and providing for storm water management and determination of environmental impacts and problems of land including erosion and sedimentation, blight and other hazards. This practice shall include the location and arrangement of such tangible objects and features as are incidental and necessary to the purposes outlined herein and as may be prescribed by local or Commonwealth authorities but shall not include the design of structures or facilities as are ordinarily included in the practice of engineering or architecture and shall not include the making of land surveys. This provision shall not be construed to prohibit those engaged in nursery occupations or as gardeners or landscape contractors from preparing planting plans and items incidental thereto.

As representatives of the landscape architecture profession, the Pennsylvania-Delaware Chapter of the American Society of Landscape Architecture request that you, as a municipal official, recognize the scope of the various registration laws for the design professions and to modify your municipal regulations to be consistent with such registration laws. If you would like more information on this matter, or would like a recommendation on how to modify your municipal regulations in a manner consistent with the PMPC and the registration laws of the design professions, please contact John Wanner, Executive Director of the PDC-ASLA at _____ .