

## ARTICLE 8-02 PRACTICE OF ARCHITECTURE AND LANDSCAPE ARCHITECTURE

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### CHAPTER 8-02-01 PURPOSE OF PRACTICE

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#### **8-02-01-01. Practice.**

The practice of architecture and landscape architecture exists for the performance of personal services to the public by architects and landscape architects. It has as its premise the duty of the architect and landscape architect to employ the architect's and landscape architect's training, experience, and skill in the design and execution of buildings and their environments in order to safeguard the public health, safety, and welfare. The latter includes the application of aesthetic principles to the technology of building.

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**General Authority:** NDCC 43-03-08

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#### **8-02-01-02. Definitions.**

The terms used throughout this article have the same meaning as in North Dakota Century Code chapter 43-03, and as further provided herein:

1. "Architect" means, in general, a person who has qualified by skill, training, experience, and professional attitude to practice architecture, and is registered as an architect. Specifically, architect means an architect registered, and thereby entitled to practice architecture, in North Dakota.
2. "Architectural commission" means the employment of an architect to perform architectural services.
3. "Architectural project" means a building, or group of buildings, or a portion thereof, together with the site, the design, planning, or improvement of which requires the services of an architect.
4. "Architectural services" means those services normally and customarily performed by an architect including:
  - a. Offering or solicitation of, and contracting for, architectural services.
  - b. Consultation, investigation, analysis, studies, reports, programming, designing, and planning of buildings and their environments.
  - c. Sketches, drawings, specifications, and other graphic instruments of service in connection with architectural projects.

- d. Observation of construction of architectural projects, together with other duties of the architect normally associated with administration of contracts for construction.

Architectural services include the structural and environmental systems and equipment which are essential to the proper functioning of an architectural project.

- 5. "Board" means the state board of architecture and landscape architecture.
- 6. "Business corporation" means a corporation which is chartered under statutes other than North Dakota Century Code chapter 10-31.
- 7. "CLARB" means the council of landscape architectural registration boards, of which the board is a member.
- 8. "CLARB certificate" means certification by CLARB that a landscape architect has met the minimum standards of education, examination, experience, and professional conduct established by the council and is thereby recommended for licensure in all member jurisdictions.
- 9. "CLARB council record" means verified documentation of an individual's education, experience, examination, licensure, and professional conduct compiled by CLARB.
- 10. "CLARB standards of eligibility" means standards for education, experience, examination, and professional conduct that are approved by CLARB's member boards and recommended to all member boards as the minimum standards for licensure.
- 11. "CLARB written examination" means the licensure examination for landscape architects prepared by CLARB.
- 12. "Exemptions" means persons to whom the provisions of this title and North Dakota Century Code chapter 43-03 do not apply.
- 13. "Landscape architect" means, in general, a person who has qualified by skill, training, experience, and professional attitude to practice landscape architecture and is registered as a landscape architect. Specifically, landscape architect means a landscape architect registered and thereby entitled to practice landscape architecture in North Dakota.
- 14. "Landscape architectural project" means the site, the design, planning, or improvement of which requires the services of a landscape architect.
- 15. "Landscape architecture" means a service in which landscape architectural education, training, and experience and the application of mathematical, physical, and social science principles are applied in consultation, evaluation, planning, design, and administration of contracts relative to projects principally directed at the functional and aesthetic use and preservation of land. The term includes performing any professional service in connection with the development of land areas where the dominant purpose of the service is the preservation, enhancement, or determination of proper land uses, natural land features, ground cover and planting, naturalistic and aesthetic values, the settings, approaches, or environment for structures or other improvements, and the consideration and determination of inherent problems of the land relating to erosion, wear and tear, blight, and hazards. This practice includes the location and arrangement of tangible objects and features incidental and necessary to the purposes outlined but does not include the design of structures or facilities with separate and self-contained purposes, as ordinarily included in the practice of engineering or architecture, or the preparation of boundary surveys or final land plats, as ordinarily included in the practice of land surveying.

16. "NCARB" means the national council of architectural registration boards, of which the board is a member.
17. "Principal" means an architect or a landscape architect who is either a sole proprietor, a general partner in a partnership, or a director in a professional service corporation, and such firm is engaged in the practice of architecture or landscape architecture. "Principal" also means an architect or a landscape architect who shares in the losses as well as the profits of the firm, and controls, alone or in concert with other architects who are principals, the architectural practice of the firm.
18. "Professional corporation, professional limited liability company, or professional limited liability partnership" means an entity chartered under North Dakota Century Code chapter 10-31 to engage in the practice of architecture or landscape architecture.
19. "Reciprocity" means the process by which the board grants registration without further examination to a person who is registered to practice architecture or landscape architecture in another state or jurisdiction, and who holds national council of architectural registration board certification, or to a person who is registered to practice landscape architecture in another state or jurisdiction and who holds council of landscape architectural registration board certification.
20. "Registration" means a license issued by the board to a person who has qualified as an architect, or landscape architect, and is thereby entitled to practice.
21. "Stamp" means architectural or landscape architectural stamp that may also be referred to as a seal, emboss, electronic-generated seal, or indicia.

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