

TITLE 2: NATURAL RESOURCES
DIVISION 7: BUILDING AND ZONING CODES

§ 7134. Restriction on Issuance of Occupancy Permit.

The Building Safety Division shall not issue an occupancy permit to a developer as defined by 4 CMC § 1932 except as provided in 4 CMC § 1936(c) relating to payment of the developer tax.

Source: PL 8-23, § 10; amended by PL 11-37, § 3.

Commission Comment: With respect to the reference to the “Department of Finance,” see Executive Order 94-3 (effective August 23, 1994), reorganizing the executive branch, changing agency names and official titles, and effecting other changes, set forth in the Commission comment to 1 CMC § 2001.

PL 11-37 took effect September 17, 1998. According to PL 11-37, § 1:

Section 1. Findings and Purpose. The Legislature finds that:

(a) The provision in the Developer Infrastructure tax prohibiting the issuance of an occupancy permit for a project subject to the developer tax except upon final payment of the entire tax due on the fully completed project is overly restrictive.

(b) In particular, the time required for the Department of Finance to verify the final tax due on large projects can unduly delay the opening and beneficial use of the project or a portion thereof.

(c) It is the purpose of this act to revise the tax and building safety requirements to permit partial occupancy and use of projects subject to the developer tax under appropriate circumstances and with proper safeguards.

PL 11-37 also contained severability and saving clauses as follows:

Section 4. Severability. If any provision of this act or any regulation issued under the authority of this Act should be declared invalid or unenforceable by a court of competent jurisdiction, the judicial determination shall not affect the Act or the regulations as a whole, or any part thereof, other than the particular part declared invalid or unenforceable, and to this extent the provisions of this Act.

Section 5. Savings Clause. This Act and any repealer contained herein shall not be construed as affecting any existing right acquired under contract or acquired under statutes repealed or under any rule, regulation or order adopted under the statutes. Repealers contained in this Act shall not affect any proceeding instituted under or pursuant to prior law. The enactment of this Act shall not have the effect of terminating, or in any way modifying, any liability, civil or criminal, which shall already be in existence at the date this Act becomes effective.