

## **Proposed New Section 15.15.045**

### **Fee Exemption All State, Government, Municipal, & Public School Districts**

#### **A. Fee Exemption**

All state agencies, governmental entities, municipalities, public school districts, state-chartered charter schools, locally chartered charter schools, and other public educational institutions owned and operated by a governmental entity shall be exempt from Town building permit fees. This includes alteration, renovation, repair, or expansion of any building, facility, or structure owned or operated by such entities for public, governmental, or educational purposes.

#### **B. Compliance Required**

The exemption provided herein shall not exempt any applicant from compliance with the Mesilla Town Code, zoning regulations, historic preservation requirements, subdivision regulations, development standards, building codes, or any other applicable local, state, or federal requirements. All required applications, reviews, approvals, inspections, and permits shall be obtained prior to commencement of work.

#### **C. PZHAC & BOT Review**

All Projects shall be subject to all applicable planning, zoning, historic preservation, site plan, conditional use, variance, and development review processes in the same manner as any other applicant unless otherwise exempted by law.

#### **D. Utility and Other Fees Not Exempt**

Nothing in this section shall be construed to exempt a public school from payment of utility connection fees, utility extension costs, water and wastewater system fees, impact fees, development fees, right-of-way permit fees, franchise-related fees, or any other fee, charge, assessment, or reimbursement associated with the provision of municipal services, infrastructure improvements, or public facilities.

#### **E. Scope of Exemption**

The fee exemption established by this section shall apply only to fees associated with construction and building permit activities and shall not apply to fees related to utilities, infrastructure, site development, or municipal services.

**F. Additional Review Costs.** Notwithstanding any fee exemption provided herein, applicants shall be responsible for all direct costs incurred by the Town for specialized studies, consultant services, technical reviews, inspections, testing, or other expenses deemed necessary by the Town to adequately review, evaluate, or inspect a proposed project. Such costs may be charged to the applicant at the Town's actual cost without markup.

#### **G. Board Review and Documentation**

The Town shall calculate the value of all building permit, plan review, and inspection fees waived pursuant to this section and maintain such documentation as part of the project record.

When the total value of fees eligible for waiver under this section exceeds Five Thousand Dollars (\$5,000.00), the fee waiver shall be placed on the agenda of the Board of Trustees for acknowledgment and approval prior to issuance of the applicable permits.

The Board's consideration of the fee waiver shall be limited to confirming eligibility under this section and shall not constitute approval or denial of any land use application, site plan, building permit, or other regulatory approval required by the Mesilla Town Code.

The Town Clerk shall maintain a record of all fee waivers granted pursuant to this section and may provide an annual report to the Board of Trustees identifying the recipient, project location, and estimated value of waived fees.