



State of Tennessee

PUBLIC CHAPTER NO. 512

HOUSE BILL NO. 608

By Representatives Carter, Van Huss, McManus

Substituted for: Senate Bill No. 755

By Senators Watson, Kelsey, Gardenhire, Norris

AN ACT to amend Tennessee Code Annotated, Title 6, Chapter 51 and Title 6, Chapter 58, relative to assisting the implementation of Chapter 707 of the Public Acts of 2014 to abolish annexation by ordinance.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 6-51-101(3), is amended by deleting the subdivision in its entirety and by substituting instead:

(3) "Notice" means publication in a newspaper of general circulation in the municipality at least seven (7) days in advance of a hearing. The notice shall be satisfied by inclusion of a map that includes a general delineation of the area or areas to be annexed by use of official road names or numbers, or both, names of lakes and waterways, or other identifiable landmarks, as appropriate.

SECTION 2. Tennessee Code Annotated, Section 6-51-102(b)(1), is amended by deleting the language "under this section" and by substituting instead "under this part".

SECTION 3. Tennessee Code Annotated, Section 6-51-104(b)(1)(A), is amended by deleting the language "The plan of services shall address the same services and timing of services as required in § 6-51-102." and by substituting instead "The plan of services shall comply with the requirements of § 6-51-102, including the public hearing and notice requirements, prior to the adoption of the resolution."

SECTION 4. Tennessee Code Annotated, Section 6-51-105(f), is amended by deleting the subsection in its entirety.

SECTION 5. Tennessee Code Annotated, Section 6-51-106, is amended by deleting the language "§ 6-51-102 or".

SECTION 6. Tennessee Code Annotated, Section 6-51-110, is amended by deleting subsections (e) and (g).

SECTION 7. Tennessee Code Annotated, Section 6-51-111(a), is amended by deleting the language "Upon adoption of an annexation ordinance or upon," and by substituting instead "Upon".

SECTION 8. Tennessee Code Annotated, Section 6-51-116, is amended by deleting the section in its entirety.

SECTION 9. Tennessee Code Annotated, Section 6-51-121, is amended by deleting the section in its entirety and by substituting instead:

Upon referendum approval of an annexation resolution as provided in this part, an annexing municipality shall record the resolution with the register of deeds in the county or counties where the annexation was adopted or approved. The resolution shall describe the territory that was annexed by the municipality. A copy of the resolution shall also be sent to the comptroller of the treasury and the assessor of property for each county affected by the annexation.

SECTION 10. Tennessee Code Annotated, Section 6-58-108, is amended by deleting the section in its entirety.

HB 608

SECTION 11 Tennessee Code Annotated, Section 6-51-104, is amended by adding the following new subsection:

() A resolution proposing annexation by written consent of the property owner or owners shall become effective only upon adoption of such resolution by the municipality.

SECTION 12. Tennessee Code Annotated, Section 6-51-108(e), is amended by deleting the language "by ordinance".

SECTION 13. Tennessee Code Annotated, Section 6-51-109(a), is amended by deleting the language "by ordinance".

SECTION 14. Tennessee Code Annotated, Section 6-51-109(c), is amended by deleting the language "adoption of the ordinance by the larger municipality" and by substituting instead "certification of the election results".

SECTION 15. Tennessee Code Annotated, Section 6-51-119(a), is amended by deleting the language "annexation ordinance" and replacing it with "resolution for annexation", by deleting the language "annexation ordinances" and replacing it with "resolutions for annexation", and by deleting the language "upon final passage of the ordinance" and replacing it with "upon ratification of a resolution to annex".

SECTION 16. Tennessee Code Annotated, Section 6-51-104, is amended by adding the following language as a new subsection:

()

(1) A municipality may by resolution propose annexation of territory that does not adjoin the boundary of the main part of the municipality, without extending the corporate limits of that territory, if the territory proposed for annexation is entirely contained within the municipality's urban growth boundary and is either:

(A) To be used for industrial or commercial purpose or future residential development; or

(B) Owned by one (1) or more governmental entities.

(2) A resolution under this subsection shall be ratified only with the written consent of the property owner or owners.

(3) For purposes of this subsection, the boundary of the main part of the municipality is defined as the corporate limits of the territory containing its town seat or city hall. Territory that does not adjoin that boundary before a proposal to annex it is introduced cannot be annexed except as provided in this subsection.

(4) The resolution shall include the plan of services adopted under § 6-51-102. The plan shall be prepared by the municipality in cooperation with the county in which the territory is located. The municipality and county shall enter into an interlocal agreement pursuant to § 5-1-113 to provide emergency services for any interceding properties and to maintain roads and bridges comprising the primary route to the area thus annexed as the municipality and county deem necessary.

(5) This subsection shall only apply in any county having a population according to the most recent decennial census that is greater than forty-four and one-half percent (44.5%) and fifty thousand (50,000) of its population in the preceding decennial census.

SECTION 17. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end the provisions of this act shall be severable.

HB 608

SECTION 18. This act shall take effect May 16, 2015, at 12:01 a.m., the public welfare requiring it.

HOUSE BILL NO. 608

PASSED: April 22, 2015

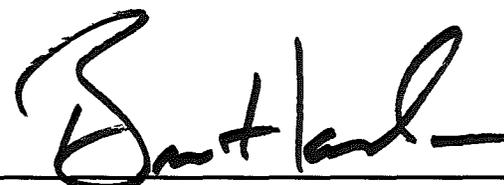


BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 20th day of May 2015



BILL HASLAM, GOVERNOR