



TACIR

The Tennessee Advisory Commission
on Intergovernmental Relations



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MEMORANDUM

TO: Commission Members

FROM: Lynnise Roehrich-Patrick
Executive Director

DATE: 21 August 2013

SUBJECT: Changing Municipal Boundaries and Comprehensive Growth Planning—Public Chapter 441, Acts of 2013

TACIR staff is continuing work on the legislature's request to complete a comprehensive review and evaluation of the efficacy of state policies set forth in Tennessee Code Annotated Title 6, Chapters 51 (Change of Municipal Boundaries) and 58 (Comprehensive Growth Plan). Staff is also reviewing the related bills referred for study by the Senate State and Local Government Committee and the House Finance, Ways and Means Subcommittee. This research will be incorporated into a single comprehensive study that will be presented to the Commission for review and comment in October and for approval in December in order to meet the January 14, 2014, deadline.

As part of the research process, staff is continuing to gather information from various stakeholders. Panelists representing counties will address the Commission on Public Chapter 441 on Wednesday, August 21:

- Shelby County Mayor Mark Luttrell
- Williamson County Mayor Rogers Anderson
- Fayette County Mayor Rhea "Skip" Taylor
- Tennessee County Commissioners Association, David Connor, Executive Director
- Tennessee County Highway Officials Association, Rodney Carmical, Executive Director
- Washington County Highway Superintendent John Deakins

The municipal government panel will provide testimony on Thursday, August 22:

- Town of Louisville, Mayor, Tom Bickers
- City of Kingsport, Assistant City Manager, Jeff Fleming
- City of Covington, Mayor, David Gordon
- City of Alcoa, Assistant City Manager, Bill Hammon
- City of Portland, Mayor, Ken Wilber

In addition, Leah Eldridge, TACIR Research Manager, will present other states' laws on municipal boundary changes, including annexation, deannexation, merger, and mutual adjustment of corporate boundaries, and how these laws relate to Tennessee Code Annotated Title 6, Chapter 51, Parts 1–4. Included you will find a chart that summarizes the annexation methods used in other states followed by a chart with more details on their laws. As in Tennessee, the annexation methods used in most other states do not fall neatly into a single category. Supplementary information is provided about how other states annex by consent. Additional charts summarize notice requirements, public hearings, and annexation of agricultural land in other states. These charts include information about the current law in Tennessee, the proposed change to the law, and other states' laws.

Bill Terry, TACIR Senior Research Consultant, will discuss comprehensive growth planning laws in other states and how they relate to Tennessee Code Annotated Title 6, Chapter 58. Tennessee is unique in that growth boundaries are mandatory, but comprehensive planning is not. Preliminary research indicates that twenty-three states have mandatory comprehensive planning laws for local governments. Four of these states—Hawaii, Maryland, Oregon, and Washington—also require growth boundaries. Idaho, Colorado, and Delaware require growth boundaries where the municipality plans to annex new territory. Maine requires growth boundaries if the local government adopts an optional growth plan. Included you will find a chart illustrating this information in other states.

Annexation Methods

State	Involuntary Annexation (no request, no approval by residents)		Voluntary Annexation (could be less than all residents consent)	
		3rd Party Approval		3rd Party Approval
Alabama	Islands in certain cities	State legislature, unlimited	P (100% owners), V (city)	
Alaska	City owned	State admin body + state legislature	P (100% owners and resident voters), P-V (city or resident voters)	State admin body + P or P-V
Arizona	Islands in certain counties		P (city or interested citizens)	
Arkansas	Islands		P (owners), V (city)	
California	Contiguous and noncontiguous city owned and islands		P-V (after, owners-residents)	Local Agency Formation Commission
Colorado	City owned and islands		P-V (owners-voters), P (owners-voters)	
Connecticut	All territory in the state is incorporated.			
Delaware			P-V (city or voters) cities > 50,000	County governing body and chief executive office before vote
Florida	Islands	County	P (100% owners), V (city)	
Georgia	Islands		P (owners and residents), V (city)	
Hawaii	There are no cities in Hawaii.			
Idaho	Certain islands, 100 or fewer five acre or smaller lots, and areas subject to development moratoriums or utility connection restrictions		V (city)	

P = Petition, V = Vote, P-V = Petition for Vote

State	Involuntary Annexation (no request, no approval by residents)		Voluntary Annexation (could be less than all residents consent)	
		3rd Party Approval		3rd Party Approval
Illinois	Small islands (60 acres or less)		P-V (city or owners and voters)	Circuit court before vote
Indiana	Unlimited + noncontiguous if city owned		P (owners)	
Iowa			V (city), P-V (voters or city voters)	
Kansas	Some limitations		P (100% owners), P-V (city petitions county)	County if by vote
Kentucky	Islands		P (100% owners), P (city) includes owner and resident veto	
Louisiana			P-V (residents and city)	
Maine	Not authorized by constitution or general law.			
Maryland			P (city or owners and residents and voters), P-V (after)	
Massachusetts	Not authorized by constitution or general law.			
Michigan	City owned		V (city), P-V (after 3rd party approval)	Petition state admin body
Minnesota	City owned and islands and other limited circumstances		P (city or owners)	State admin board
Mississippi			P (city or electors)	Chancery court
Missouri			P (100% owners), P-V (city) includes noncontiguous territory in limited circumstances	Petition circuit court before vote

P = Petition, V = Vote, P-V = Petition for Vote

State	Involuntary Annexation (no request, no approval by residents)		Voluntary Annexation (could be less than all residents consent)	
		3rd Party Approval		3rd Party Approval
Montana	Islands		V (city), P-V (residents)	
Nebraska	Unlimited		P (owners or owners and inhabitants)	
Nevada	Islands and subdivided land in certain counties		P (city or owners) includes owner veto	
New Hampshire	Not authorized by constitution or general law.			
New Jersey	No unincorporated land in the state. The only annexation that takes place is between cities.			
New Mexico	Islands		P (city or owners)	State or local level board
New York			P-V (local governments or owners or residents)	State court in limited circumstances
North Carolina	City owned and islands		P (owners or residents) noncontiguous in limited circumstances, V (city)	
North Dakota	P (city)	Office of Administrative Hearings	P (owners and electors)	
Ohio			P (owners or city)	Board of county commissioners
Oklahoma			P (city or owners)	
Oregon	Islands and lands dangerous to public health		V (city), P (owners and electors), P-V (owners)	
Pennsylvania	No unincorporated land in the state. The only annexation that takes place is between cities.			
Rhode Island	Municipal boundaries are locked in by statute.			
South Carolina	Government property		P (owners), P-V (electors)	
South Dakota			P (owners and voters), V (city)	

P = Petition, V = Vote, P-V = Petition for Vote

State	Involuntary Annexation (no request, no approval by residents)		Voluntary Annexation (could be less than all residents consent)	
		3rd Party Approval		3rd Party Approval
Tennessee	Within UGB		P (owners and residents), V (city), P-V (interested persons)	
Texas	Home rule cities only and islands		P (owners or voters)	
Utah			P (owners) includes owner veto	
Vermont	General law only addresses annexation of territory in a town by a village.			
Virginia	P (city)	Special court	P (owners or voters)	Special court
Washington	City owned and islands		V (city), P-V (owners or residents)	
West Virginia	In limited circumstances	County in limited circumstances	P (owners and voters), P-V (city owners)	
Wisconsin	Contiguous and noncontiguous city owned property and islands		P (owners and electors), P-V (city or owners and electors)	Circuit court before vote if city initiates
Wyoming	Land 75% contiguous		P (city or owners) includes owner veto	

P = Petition, V = Vote, P-V = Petition for Vote

Detailed Summary of Annexation Methods

State	Annexation Method
Alabama	Cities can annex territory upon receipt of a petition signed by 100% of electors in the territory. Cities may initiate annexation by referendum, and it must be approved by a majority of voters in the territory. The state legislature may also approve annexations. Unilateral annexation of unincorporated islands surrounded by the city is authorized in certain cities.
Alaska	Annexation can be initiated by a city or petition signed by at least 10% of a city's resident registered voters or at least 10% of the resident registered voters of the area proposed for annexation. An annexation has to first be approved by the state level Local Boundary Commission. If it has support of all owners and residents, no further approval is required. If it does not have the support, the annexation must be approved by a majority of voters in the territory in an election or by majority of voters of the city and territory in an election. Annexations can also be approved by the state legislature. The Local Boundary Commission authorizes the unilateral annexation of city owned property.
Arizona	Annexations can be initiated by a city or interested citizens. An annexation must be approved by a petition signed by the owners of 1/2 or more of the assessed value of the real and personal property and more than 1/2 of the persons owning real and personal property in the territory to be annexed. A city located in a county with a population of more than 350,000 persons may unilaterally annex any territory within an area that is surrounded by the city or that is bordered by the city or town on at least three sides if the landowner has submitted a request to the federal government to take ownership of the territory or hold the territory in trust.
Arkansas	The city or a majority of owners in territory may initiate annexation. An annexation must be approved by a majority of electors in the annexing city and in the territory in an election. Cities may unilaterally annex islands.
California	Annexation may be initiated by city or by a petition signed by at least 5% of voters in the territory or least 5% of the owners within the territory who also own 5% of the assessed value of land. An annexation must be approved by the local level Local Agency Formation Commission (LAFCO). After approval, if 25-50% of voters in the territory protest the annexation, an election on the question must be held. A majority of voters in the territory must approve the annexation in the election. If more than 50% of voters protest, then the annexation is terminated. Cities can unilaterally annex contiguous and noncontiguous islands and city owned property.
Colorado	A city can annex territory upon receipt of a petition signed by 50% of the owners in the territory who own at least 50% of the assessed value of land in the territory. Electors can initiate an annexation by election by submitting a petition signed by 75 electors or 10% of electors in the area to be annexed, whichever is less, in counties with more than 25,000 inhabitants or 40 registered electors or 10% of said electors, whichever is less, in counties with twenty-five thousand inhabitants or less. The signees must be resident landowners in the territory. The annexation must be approved by a majority of owners in the territory. Cities may unilaterally annex islands and city owned property.

State	Annexation Method
Connecticut	All the territory in the state is incorporated.
Delaware	For cities over 50,000, annexation may be initiated by the city or a petition signed by 25% of voters in the territory. The city and county governments have to approve the annexation before an election is held. A majority of voters in the territory must approve the annexation. Cities under 50,000 use annexation procedures outlined in their town charters.
Florida	Territory can be annexed upon petition of 100% of owners in the territory. Annexation may be initiated by a city but it must be approved in an election by a majority of voters of the territory. The governing body of the annexing city may also choose to submit the annexation to voters of the annexing city. In the case of a dual referendum, a majority of voters in the city and a majority of voters in the territory must approve the annexation. Cities are authorized to annex an islands by interlocal agreement with the county.
Georgia	Cities can annex territory upon receipt of a petition signed by 100% of residents in the territory. Cities are authorized to annex land by ordinance upon the signed applications from: not less than 60% of the resident voters in the area and the owners of not less than 60% of the land area by acreage. Territory may also be annexed after the annexation is approved in a referendum by a majority of the voters from the area proposed to be annexed. Cities are authorized to unilaterally annex islands.
Hawaii	There are no cities in Hawaii.
Idaho	Cities may initiate annexation. If the territory sought to be annexed has more than 100 private landowners owning lots five acres or less, a majority of the owners must approve the annexation by written consent. Annexation is not required to be approved by owners if the territory contains less than 100 private owners owning lots five acres or less. Cities may also unilaterally annex islands or land that is subject to a development moratorium or water or sewer restriction.
Illinois	Cities, owners, or electors may initiate annexation by filing a petition with the circuit court. If the court approves the annexation, it must be approved by a majority of electors in the territory. Islands of 60 or fewer acres may be unilaterally annexed.
Indiana	Territory may be annexed if a petition signed by 100% of owners who reside in the territory, 51 % of owners or 75 % of the owners of the total assessed value of the land in territory is submitted to the city. A city may unilaterally annex territory by ordinance. A city may annex noncontiguous property if it is city owned.
Iowa	Annexation may be initiated by the city development board, a city council or 5% of the registered voters of the city or territory to be annexed. The city development board then will approve any annexation it considers to be in the public interest. The annexation must then be approved in an election. Registered voters of the territory and city may vote. The annexation is approved by the majority of those voting in the election. If all owners of the territory consent to annexation, then that territory can be annexed with the approval of the city council only. In these situations, it is not necessary to get the approval of the city development board unless it is within the urbanized area of another city.

State	Annexation Method
Kansas	Cities can annex territory upon receipt of a petition signed by 100% of owners in the territory. Cities are authorized to unilaterally annex territory in certain situations if the land is platted and contiguous to the city, the land lies mainly within the city and has a common perimeter with the city of more than 50%, annexing the land will make the city's boundary more harmonious (21 acre limit), the tract is situated so that 2/3 of any boundary line adjoins the city (21 acre limit), land is owned or held in trust for the city, the land adjoins the city and is owned by another government. If a city wants to annex a tract that is not covered under these provisions and is 40 acres or larger, then a city may petition the county in order to annex the territory. The board of county commissions must approve the annexation by a 2/3 vote. Then, the majority of land owners in the territory to be annexed must approve the annexation in a mail ballot election.
Kentucky	Cities can annex territory upon receipt of a petition signed by 100% of owners in the territory. Cities can initiate annexation by enacting an ordinance stating its intent to annex. In cities with a population fewer than 100,000, if no petition is presented in the 60-day period following the publication of notice of the ordinance, then the city can enact a second ordinance annexing the territory. Residents and owners can petition for an election by filing a petition signed by 50% of the voters or owners in the territory. If 55% or more of those persons voting in the election oppose annexation, the property will not be annexed. In cities with a population of 100,000 or more, residents must file a petition in circuit court protesting the annexation. If the jury finds that 75% or more of the resident owners of the territory have protested against the annexation then the annexation shall not take place. Islands can be unilaterally annexed.
Louisiana	Residents living in the territory may request to be annexed but it must be approved in a dual referendum. The annexation must be approved, first, by a majority of the voters living in the territory and then it must be approved by voters in the annexing city. Cities may also annex by ordinance but the annexation must be approved with a petition signed by a majority of the registered voters and a majority in number of the resident owners as well as 25% in value of the property of the resident owners within the area proposed to be annexed.
Maine	The state constitution and statutes do not address the issue of annexation.
Maryland	Cities can initiate annexation after getting the consent of at least 25% of the residents who are registered voters and the owners who own at least 25% of the assessed value of property in the territory. The city may then introduce an annexation resolution. Prior to the effective date of the resolution, the county, or at least 20% of the registered voters in the city or in the area to be annexed may petition for a referendum. If the petition was submitted by the county or the residents of the territory, the voters in the territory may participate in the referendum. If the petition was submitted by city residents, the voters in the city participate. If both circumstances exist, separate elections are held for both the existing city voters and for voters in the territory to be annexed. In the case of two elections, both sets of voters must approve the referendum in order for the annexation to proceed. A majority of voters must approve the annexation.
Massachusetts	There is no unincorporated territory in Massachusetts. Annexation is not authorized by the constitution or general law.

State	Annexation Method
Michigan	Home rule villages have to get permission from the county commission and hold an election to annex property. Home rule cities can unilaterally annex city owned property. Annexation can take place by the adoption of a joint resolution of the legislative bodies of the home rule city and the township. If the property is in a charter township, the county is petitioned to hold an election in the city and in the area to be annexed. Most other annexations are approved through petition to the State Boundary Commission (SBC). Petitions can be filed by the city, 75% of the owners in the territory, 25% of the voters in the territory to be annexed or by 1% of the entire population of the city and township. Once the SBC and the head of the Consumers and Industry Services Department approve the annexation, it will become final unless 5% of the voters in the territory file a petition to hold an election. If both the majority of the electors in the territory and the majority of the city or township electors voting separately approve the annexation, the decision of the SBC stands. If either group fails to register a majority vote, the SBC decision is overturned.
Minnesota	Cities may unilaterally annex by ordinance if there is unincorporated land completely surrounded by the city, it is city owned land outside the corporate limits, all the landowners consent to the annexation and the territory is less than 120 acres and the territory is presently served or capable of being served by available public wastewater facilities, or the land is within two miles of the city and has been approved for platting, and the platted lots average 21,780 square-feet or less. All other annexations must be approved by the state level Municipal Boundaries Adjustment Unit of the Office of Administrative Hearings.
Mississippi	Cities may initiate annexation by filing a petition in chancery court. Annexation may also be initiated by filing a petition signed by 2/3 of the electors residing in the territory in chancery court. The chancery court must approve the annexation. The chancellor shall enter a decree approving the annexation if he finds that the annexation is reasonable and is required by the public convenience and necessity and that reasonable public and city services will be rendered in the annexed territory within a reasonable time.
Missouri	Territory can be annexed upon a petition of 100% of owners in the territory. If an objection to the annexation is filed, an election must be held. A city can initiate an annexation by filing an action in circuit court asking for a declaratory judgment authorizing the annexation. If the court authorizes the annexation, then the annexation has to be approved by a majority of votes cast in the area to be annexed, and by a majority of votes cast in the city. Cities can annex noncontiguous territory if 50% of the city is liable to be inundated as a result of the construction of a lake or other body of water.
Montana	If the city initiates the annexation, then the annexation must be approved in an election by the voters who reside in the territory to be annexed. If the annexation is initiated by residents, then the annexation must be approved in an election by voters in the city and the territory to be annexed. A city may unilaterally annex islands.
Nebraska	Cities may unilaterally annex property. An owner can petition to be annexed in first class cities. An owner or a majority of owners and inhabitants in the territory can petition to be annexed in second class cities.

State	Annexation Method
Nevada	Annexation may be initiated by a city or by petition of a majority of owners in the territory. A city can't annex the property if the annexation is protested by a majority of owners. In cities located in counties with a population of less than 700,000, the city may unilaterally annex islands 40 acres or less in size or land that is subdivided and the city will be able to provide the city services required for public health, safety, convenience or welfare.
New Hampshire	Annexation is not authorized by the constitution or general law.
New Jersey	No unincorporated land in the state. The only annexation that takes place is between cities.
New Mexico	Cities or majority of land owners may initiate annexation. The annexation is determined by an arbitration board that consists of three members from the territory to be annexed, three members from the annexing city and a neutral member from the county that does not live in the city or the territory to be annexed. The annexation may also be determined by a state level city boundary commission. In counties with a population less than 300,000, a majority of owners of acres of land in the area may request annexation. The city may pass an ordinance expressing its consent or rejection of the annexation. Islands may be unilaterally annexed.
New York	Annexation may be initiated by residents or owners or by joint resolution of the governing bodies of the affected territory. Each of the governing bodies of the affected local governments determine whether to consent to or deny the annexation. If one but not all of the local governments approve the annexation, the governing board of any of the affected local governments may apply to the appellate division of the supreme court for determination if the annexation is in the best interest of the public. Once the annexation has been approved by the court or the affected local governments, the annexation must be approved by a majority of those residing in the territory.
North Carolina	One hundred percent of owners in territory can petition for annexation. Seventy five percent of owners may petition for annexation in a high poverty area, and 2/3 of residents can petition for annexation in distressed areas. Cities may initiate an annexation but it must be approved by a referendum of voters living in the territory to be annexed. Noncontiguous property can be annexed in limited circumstances. Cities may unilaterally annex city owned property.
North Dakota	Annexation may be initiated by a petition signed by at least 3/4 of the qualified electors or by the owners of not less than 3/4 in assessed value of the property in the territory. A city may also initiate annexation on its own initiative but if the owners of 1/4 or more of the territory protest the annexation, then the dispute must be submitted to mediation and possibly adjudication by the office of administrative hearings.
Ohio	Annexation may be initiated by a petition signed by a majority of owners in the territory. Cities may only initiate annexation of territory if it is owned by the city, county, or state government. The board of county commissioners must approve the annexation.

State	Annexation Method
Oklahoma	Cities may initiate annexation but it must obtain the written consent of the owners of at least a majority of the land in the territory. Owners may also request annexation by filing a petition signed by at least 3/4 of the registered voters and the owners of at least 3/4 (in value) of the property in any territory adjacent or contiguous to the city.
Oregon	Annexation may be initiated by the city or a majority of owners in the territory. The legislative body of a city need not hold an election when all of the owners of land in that territory and not less than 50% of the electors, if any, residing in the territory consent. Annexations must be approved by a petition signed by electors or owners in the territory or in an election where the majority of votes cast in the territory are in favor of annexation. Islands and territory that the Oregon Health Authority has declared to be a danger to public health may be unilaterally annexed.
Pennsylvania	There is no unincorporated territory in the state. Territory in one city can be annexed by another city.
Rhode Island	Boundaries locked in by statute.
South Carolina	Annexation may be initiated by a petition signed by all owners in the territory requesting annexation or a petition signed by 75% or more of the owners owning at least 75% of the assessed value of property in the area to be annexed. Upon agreement to annex the area and the enactment of an ordinance by the city governing body declaring the area annexed, the annexation is complete. Annexation may also be initiated by a petition signed by 25% or more of the electors who reside in the area proposed to be annexed. A referendum is held in the area to be annexed. The annexation is approved if a majority of electors in the territory vote in favor of the annexation. Government owned property may be unilaterally annexed.
South Dakota	Cities, upon receipt of a written petition, may annex the territory if the petition is signed by not less than 3/4 of the registered voters and by the owners of not less than 3/4 of the value of the territory sought to be annexed to the city. A city may also initiate annexation on its own initiative but the annexation has to be approved by a majority of the voters. Voters from both the annexing city and the territory to be annexed may vote in the election. The annexation must be approved by a majority of those voting.
Tennessee	Cities may unilaterally annex property on their own initiative within their urban growth boundary or when petitioned by a majority of residents and owners. Cities may also annex by referendum on their own initiative or when petitioned by interested parties. The annexation must be approved by a majority of voters in the territory. The city may also choose to submit the question to city voters. If the question is submitted to city voters, a majority of voters in the city must approve it.

State	Annexation Method
Texas	Annexation may be initiated by owners or voters in general law cities. Approval by majority of voters or owners in the territory is required. The vote is not required to be done by ballot or at any type of formal election. The voter's intentions may be expressed by any method that is satisfactory to themselves and the city council. Home rule cities may annex unilaterally or by consent depending on their charter provisions. Islands may be unilaterally annexed by all cities.
Utah	Annexation can be initiated by a petition signed by a majority of owners within the territory who own at least 1/3 of the assessed value of all the land in territory. The city legislative body then votes on the annexation. Cities cannot approve an annexation if written protests are filed by owners that covers a majority of the land within the territory proposed for annexation; and is equal in value to at least 1/2 the value of all private real property within the entire area proposed for annexation.
Vermont	General law only addresses annexation of territory in a town by a village. There is very little unincorporated territory in the state.
Virginia	Cities, 51% of the voters of any territory adjacent to any city, or 51% of the owners in number and land area in a designated area can initiate annexation by filing a petition in circuit court. A special court comprised of three circuit court judges appointed by the Supreme Court of Virginia hears the case and decides whether the territory should be annexed.
Washington	Residents or property owners in the territory may initiate an annexation by submitting a petition to the city signed by 10% of the residents or the owners representing 10% of the assessed value in the territory. Depending on whether the traditional or new petition method is used, the annexation must be approved by a petition signed by owners representing 60% of the assessed value in the territory or by a majority of owners and voters in the territory. Annexation by election may be initiated by a petition signed by voters who live in the area or by the city. It requires approval by a majority of voters in the territory. City owned property and islands may be unilaterally annexed.
West Virginia	Annexation can be initiated by petition signed by 5% or more of the city's landowners. A majority of city voters and a majority of voters in the territory to be annexed must approve the annexation in an election. A majority of the voters and all owners in the territory, whether they reside or have a place of business therein or not, may file a petition to be annexed with the city. The territory may be annexed once the city determines the petition meets the requirements of the law. Cities may get permission from the county to annex property in limited circumstances. Cities may unilaterally annex territory within the urban growth boundary in limited circumstances.

State	Annexation Method
Wisconsin	<p>Territory can be annexed upon a petition of 100% of electors and owners in the territory. Cities may also annex property upon a petition signed by a number of electors residing in the territory equal to at least the majority of votes cast for governor in the territory in the last gubernatorial election and signed by either ½ the owners in the area or ½ of the owners of assessed value in the territory. The city legislative body must approve the annexation by a 2/3 vote. Annexation by referendum may be initiated by the city or a petition signed by a number of electors residing in the territory equal to at least 20% of the votes cast for governor in the last election and at least 50% of the owners of at least 50% of the real property either in area or assessed value. If a city initiates, it must apply for an order for an annexation referendum from the circuit court. The annexation must be approved by a majority of voters in the territory. City owned territory, both contiguous and noncontiguous, and islands in existence on December 2, 1973, may be unilaterally annexed.</p>
Wyoming	<p>Annexation proceedings may be initiated by a city or by a petition signed by a majority of owners owning a majority of the territory to be annexed. If the city finds that the requirements of the law have been met, it can annex the property. If more than 50% of the owners, or if an owner or owners owning more than 50% of the area to be annexed file written objections within 20 days of the public hearing no further action may be taken on any area within the proposed annexation territory within two years. A city may unilaterally annex property if 75% or more of the perimeter of the territory is contiguous.</p>

Annexation by Consent

State	Requirement for Annexation Approval by Petition	Requirements for Election in Territory To Be Annexed	Requirements for Election in Annexing City	Protest Requirements
Alabama	100% of property owners	majority approval by resident voters		
Alaska	100% of property owners and voters in the territory	majority approval by resident voters	optional - majority approval of voters	
Arizona	owners of one-half or more of the assessed value of the real and personal property and more than one-half of the persons owning real and personal property in the territory to be annexed			
Arkansas		majority approval by combined vote of city and annexation territory voters	majority approval by combined vote of city and annexation territory voters	
California		majority approval by voters		After approval of annexation by LAFCO, if 25% of voters or owners who own at least 25% of the assessed value of land in the territory file a written protest an election must be held. If 50% or more of registered voters file a written protest the annexation is terminated.
Colorado	more than 50% of the landowners in the area and owning more than 50% of the area	majority approval by owner-electors		
Connecticut	All the territory in the state is incorporated.			

State	Requirement for Annexation Approval by Petition	Requirements for Election in Territory To Be Annexed	Requirements for Election in Annexing City	Protest Requirements
Delaware		majority approval by voters in the territory		
Florida	100% of property owners in territory	majority of voters in territory	optional-majority of voters	
Georgia	100% of owners in territory or at least 60% of resident voters and owners of at least 60% of land area by acreage in the territory	majority of voters in territory		
Hawaii	There are no cities in Hawaii.			
Idaho		a majority of the owners must approve the annexation by written consent		
Illinois		majority of electors in territory		
Indiana	optional - 51% of property owners or 75% of the owners of the total assessed value of the land in territory or 100% of property owners			
Iowa		majority approval by combined vote of city and annexation territory voters	majority approval by combined vote of city and annexation territory voters	
Kansas	100% of property owners in territory	majority of property owners in the territory in a mail ballot		

State	Requirement for Annexation Approval by Petition	Requirements for Election in Territory To Be Annexed	Requirements for Election in Annexing City	Protest Requirements
Kentucky		46% of voters must approve		In cities with a population under 100,000, residents can protest the annexation by filing a petition signed by 50% of the resident voters or property owners in the territory. An election must be held. If less than 55% of those persons voting oppose annexation, the territory shall be annexed. If 55% or more of those persons voting oppose annexation, the property will not be annexed. In cities with a population of 100,000 or more, residents must file a petition in circuit court protesting the annexation.
Louisiana	a majority of the voters and a majority of the owners who own 25% of the assessed value of property in the territory	majority approval by resident voters	majority approval of voters	
Maine	Not authorized by constitution or general law.			
Maryland		majority approval by voters if referendum was requested by county or residents in the territory	majority approval by voters if referendum was requested by voters in the annexing city	A referendum is held if 20% of voters in territory or annexing city request an election, or if 2/3 of county governing body requests one.
Massachusetts	Not authorized by constitution or general law.			
Michigan		majority of electors	majority of electors if election requested	If 5% of registered voters in territory file a petition, an election will be held.
Minnesota				
Mississippi				
Missouri	100% of owners	majority of electors	majority of electors	

State	Requirement for Annexation Approval by Petition	Requirements for Election in Territory To Be Annexed	Requirements for Election in Annexing City	Protest Requirements
Montana		majority of voters	majority of voters if annexation requested by residents	
Nebraska				
Nevada				A majority of owners in the territory can protest to stop the annexation.
New Hampshire				
New Jersey	No unincorporated land in the state. The only annexation that takes place is between cities.			
New Mexico				
New York		majority of residents		
North Carolina		majority of resident voters		
North Dakota	$\frac{3}{4}$ of the qualified electors or by the owners of not less than $\frac{3}{4}$ in assessed value of the property			A city may also initiate annexation on its own initiative but if the owners of $\frac{1}{4}$ or more of the territory protest the annexation, then the dispute must be submitted to mediation and possibly adjudication by the office of administrative hearings.
Ohio				
Oklahoma	$\frac{3}{4}$ of the registered voters and the owners of at least $\frac{3}{4}$ (in value) of the property	written consent of majority of owners		
Oregon	all of the owners and not less than 50% of the electors, if any, residing in the territory	majority of voters		
Pennsylvania				
Rhode Island				

State	Requirement for Annexation Approval by Petition	Requirements for Election in Territory To Be Annexed	Requirements for Election in Annexing City	Protest Requirements
South Carolina	75% or more of the freeholders owning at least 75% of the assessed value of property in the area	majority of electors		
South Dakota	3/4 of the registered voters and by the owners of not less than 3/4 of the value of the territory	majority approval by combined vote of city and annexation territory voters	majority approval by combined vote of city and annexation territory voters	
Tennessee		majority of electors	optional- majority of voters	
Texas		majority of voters		
Utah				A city cannot approve an annexation if written protests are filed by owners that covers a majority of the land within the entire area proposed for annexation and is equal in value to at least 1/2 the value of all private real property within the entire area proposed for annexation.
Vermont				
Virginia				
Washington	petition signed by owners representing 60% of the assessed value in the territory or by a majority of owners and voters in the territory if petition method is used	majority of voters if election method is used		

State	Requirement for Annexation Approval by Petition	Requirements for Election in Territory To Be Annexed	Requirements for Election in Annexing City	Protest Requirements
West Virginia	majority of the voters and all owners in the territory	majority of voters	majority of voters	
Wisconsin	100% of electors and owners	majority of voters		
Wyoming	a majority of owners owning a majority of the territory to be annexed			If more than 50% of the landowners, or if a landowner or landowners owning more than 50% of the area to be annexed file written objections, no further action may be taken on any area within the proposed annexation within two years.

Notice of Annexation

Current Tennessee Law	Proposed Changes	Other States' Laws
<p>Annexation by ordinance— Notice of the annexation must be published in a newspaper of general circulation at least seven days in advance of the public hearing on the ordinance.</p> <p>Annexation by referendum—Notice must be mailed to the affected property owners 14 days prior to the public hearing. Notice must also be posted in at least three public places in the territory to be annexed and in a like number of public places in the city. In addition, the notice must be published in a newspaper of general circulation.</p>	<p>Senate Bill 1381 by Bowling, House Bill 1319 by Van Huss would require cities to mail notice to property owners 90 days prior to the date of a proposed annexation. House Bill 590 by Van Huss, Senate Bill 869 by Crowe would require notice be sent 90 days prior to the date of annexation. House Amendment 422 would require the notice to be sent 180 days in advance.</p>	<p>The minimum notice requirement for intent to annex ranges between 14 to 30 days.</p> <p>The minimum notice requirement before a public hearing ranges between 7 and 60 days.</p> <p>The minimum public notice requirement before an election is 7 to 60 days.</p>

Other States' Laws on Notice

State	Newspaper notice of intent	Property owners and/or residents must be notified of annexation by mail	Newspaper notice public hearing	Property owners and/or residents must be notified of public hearing by mail	Newspaper notice election	Property owners and/or residents must be notified of election by mail
Alabama					20-40 days	
Alaska			15 days			
Arizona			15 days	15 days		
Arkansas					10-20 days	
California				21 days	not specified	
Colorado			30 days		4 weeks	
Connecticut	All territory in the state is incorporated.					
Delaware					2 weeks	
Florida				10 days	2 weeks	
Georgia			3 weeks		3 weeks	
Hawaii	There are no municipalities in Hawaii.					
Idaho			28 days	28 days		
Illinois			15-30 days		4-20 days	
Indiana			20 days	60 days		
Iowa		14 days	2 weeks		4-20 days	

State	Newspaper notice of intent	Property owners and/or residents must be notified of annexation by mail	Newspaper notice public hearing	Property owners and/or residents must be notified of public hearing by mail	Newspaper notice election	Property owners and/or residents must be notified of election by mail
Kansas			1-2 weeks	10 days		
Kentucky				14 days		
Louisiana			10 days		10 days	
Maine	Annexation not authorized by constitution or general law.					
Maryland			2-4 weeks		2 weeks	
Massachusetts	Annexation not authorized by constitution or general law.					
Michigan					4 weeks	
Minnesota		30 days	2 weeks	2 weeks		
Mississippi			30 days			
Missouri			30-60 days	30-60 days	1 week	
Montana		not specified			4 weeks	
Nebraska			10 days			
Nevada			20 days			
New Hampshire	The state constitution and statutes do not address annexation.					
New Jersey	No unincorporated land in the state. The only annexation that takes place is between cities.					
New Mexico					50-60 days	
New York			20 days	20 days	2 weeks	
North Carolina	2 weeks	2 weeks	2 weeks	2 weeks	not specified	
North Dakota			1 week	1 week		
Ohio			10 days	10 days		
Oklahoma	14-30 days	14-30 days	14-30 days			
Oregon						
Pennsylvania						
Rhode Island	Municipal boundaries are locked in by statute. Rhode Island does not have functioning county governments.					
South Carolina			14 days		30 days	
South Dakota				10-20 days	2 weeks	
Tennessee		14 days (referendum)	7 days		not specified	not specified
Texas			10-20 days		10-30 days	
Utah		not specified	2 weeks	1 week		
Vermont						
Virginia	30 days					
Washington			2 weeks		2 weeks	
West Virginia					2 weeks	
Wisconsin	not specified	not specified			1 week	
Wyoming			15 days			

Public Hearings and Informational Meetings

Current Tennessee Law	Proposed Changes	Other States'
Current law requires one public hearing prior to an annexation by ordinance or referendum.	Senate Bill 1381 by Bowling, House Bill 1319 by Van Huss would require three informational meetings be held in addition to the public hearing before a city could annex by ordinance. House Amendment 423 would have reduced the number of informational meetings to one.	Of the forty-nine states other than Tennessee, twenty-nine require at least one public hearing before land is annexed. Four states—Florida, Iowa, North Carolina, Texas—require at least two public hearings, but no state requires more than two. Only one state, North Carolina, requires a public information meeting in addition to a public hearing.

Other States' Laws on Public Hearings and Informational Meetings

State	Number of Informational Meetings Required	Number of Public Hearings Required
Alabama	0	0
Alaska	0	1
Arizona	0	1
Arkansas	0	0
California	0	1
Colorado	0	1
Connecticut	All territory in the state is incorporated.	
Delaware	0	1
Florida	0	2
Georgia	0	1
Hawaii	There are no cities in Hawaii.	
Idaho	0	1
Illinois	0	1
Indiana	0	1
Iowa	0	2
Kansas	0	1
Kentucky	0	1
Louisiana	0	1 if initiated by city
Maine	Not authorized by constitution or general law.	
Maryland	0	1
Massachusetts	Not authorized by constitution or general law.	
Michigan	0	0

State	Number of Informational Meetings Required	Number of Public Hearings Required
Minnesota	0	1
Mississippi	0	1
Missouri	0	1
Montana	0	0
Nebraska	0	1
Nevada	0	1
New Hampshire	Not authorized by constitution or general law.	
New Jersey	No unincorporated land in the state. The only annexation that takes place is between cities.	
New Mexico	0	1
New York	0	1
North Carolina	1	2
North Dakota	0	1
Ohio	0	1
Oklahoma	0	1
Oregon	0	1 if annexed for public safety
Pennsylvania	No unincorporated land in the state. The only annexation that takes place is between cities.	
Rhode Island	Municipal boundaries are locked in by statute.	
South Carolina	0	1
South Dakota	0	1
Tennessee	0	1
Texas	0	2
Utah	0	1
Vermont	0	1
Virginia	0	0
Washington	0	1
West Virginia	0	0
Wisconsin	0	1 if initiated by city
Wyoming	0	1

Plan of Services		
Current Tennessee Law		Other States' Laws
Tennessee's cities are required to provide a plan of services prior to annexing territory by referendum or by ordinance. The plan of services must include but not be limited to police protection, fire protection, water services, electrical services, sanitary sewer services, solid waste collection, street construction and repair, recreation facilities and programs, street lighting, and zoning services. Also a reasonable implementation schedule for the provision of the services is required.	Senate Bill 1054 by Kelsey, House Bill 1263 by Carr was amended prior to being passed. Sections 5 and 6 were taken out of the bill before it passed. These sections would have added some requirements for the plan of services including requirements that the plan show the standards for delivering the services to the territory proposed to be annexed and information on the financial ability of the city to provide services to the territory proposed to be annexed.	<p>Twenty-four states require the city to create a plan of service before an annexation can take place.</p> <p>Twenty states have a required timeline for implementation of services.</p> <p>Fifteen states require budget/financial information be provided in the plan of services.</p>

Other States' Laws on Plan of Services								
State	Plan Required	Used as factor in determining whether to annex	Required Services				Timeline	Budget / Financial Information
			Police / Fire	Water / Sewer	Streets	Other		
Alabama								
Alaska								
Arizona	X					within 10 years		
Arkansas								
California		X						
Colorado	X			X	X	X		
Connecticut								

State	Plan Required	Used as factor in determining whether to annex	Required Services				Timeline	Budget / Financial Information
			Police / Fire	Water / Sewer	Streets	Other		
Delaware	X						X	
Florida	X			X		required but set by city	X	
Georgia	X		X	X	X	water and sewer installed within 1 year		
Hawaii								
Idaho								
Illinois								
Indiana	X		X	X	X	police, fire and other services provided within 1 year; Street lighting, sewers, etc within 3 years	X	
Iowa	X					within 3 years of July 1 of FY in which city taxes are collected against property in the annexed territory		
Kansas	X					plan shall state those services which shall be provided immediately upon annexation and those services which may be provided upon petition of the landowners to create a benefit district	X	
Kentucky	X		X	X	X	required but set by city	X	
Louisiana								
Maine								
Maryland	X		X	X		required but set by city	X	
Massachusetts								

State	Plan Required	Used as factor in determining whether to annex	Required Services				Timeline	Budget / Financial Information
			Police / Fire	Water / Sewer	Streets	Other		
Michigan								
Minnesota		X						
Mississippi								
Missouri	X	X	X	X	X	X	plan to provide within 3 years	X
Montana	X		X	X	X	X	must show anticipated development for next 5 years minimum	X
Nebraska	X						required but set by city	X
Nevada	X		X	X	X	X		X
New Hampshire								
New Jersey								
New Mexico								
New York								
North Carolina	X		X	X	X	X	water must be extended within 3.5 years	X
North Dakota								
Ohio	X						required but set by city	
Oklahoma	X		X	X			extension must be completed within 120 months if there is no capital improvement plan	X
Oregon	X						required but set by city	
Pennsylvania								
Rhode Island								
South Carolina	X						required but set by city	
South Dakota	X				X		required but set by city	X

State	Plan Required	Used as factor in determining whether to annex	Required Services				Timeline	Budget / Financial Information
			Police / Fire	Water / Sewer	Streets	Other		
Tennessee	X		X	X	X	X	reasonable implementation schedule	
Texas	X		X	X	X	X	must extend services within 2.5 years or 4.5 years if city can show that certain services cannot reasonably be provided in 2.5 years	
Utah	X							X
Vermont								
Virginia								
Washington								
West Virginia	X							
Wisconsin								
Wyoming	X						required but set by city	X
Total	25	3	11	13	11	11	20	15

Annexation of Agricultural Land

Current Tennessee Law	Proposed Changes	Other States' Laws
Public Chapter 441, Acts of 2013, imposes a 13-month moratorium on annexing property by the cities' initiative used for residential or agricultural purposes. Prior to this moratorium, cities were allowed to annex property used for agricultural purposes.	Senate Bill 1316 by Bowling, House Bill 1249 by Van Huss, as sent to the Commission for study, prohibits municipalities from annexing any land within its urban growth boundary that is zoned for agricultural use until there is a change in use triggered by a request for a non-agricultural zoning designation or by sale of the territory for use other than agricultural purposes.	<p>Currently, the majority of states do not have limits on annexing agricultural land.</p> <p>Nine states limit the annexation of lands being used for agricultural purposes.</p> <p>Idaho and Ohio allow owners of agricultural land to petition the court for deannexation.</p>

Other States' Laws on Annexation of Agricultural Land

State	Restrictions
Arkansas	Land shall not be annexed if its highest and best use is agriculture. Other lands used exclusively for agriculture shall continue to be used and assessed as agricultural land after annexation.
Colorado	Agricultural use is a factor for prohibiting annexations. Land may not be annexed where two out of three factors are present: (1) one half or more of the land is used for agriculture and the landowner intends to keep using it for agriculture, (2) less than half of the adult residents make use of the annexing city's facilities and less than 25% work in the annexing city, or (3) it is not physically practicable to extend services provided by the annexing city in the same way as they are provided to the annexing city.
Florida	Only land that is used for urban purposes may be annexed.
Idaho	The owners of land 5 acres or greater in size may petition the court for deannexation if the lands are used exclusively for agricultural purposes.
Kansas	No portion of any unplatted tract of land 21 acres or more in size that is devoted to agricultural use shall be annexed by any municipality without the written consent of the owner.
Nebraska	Agricultural lands that are rural in nature may not be annexed by ordinance.
North Carolina	Property that is being used for bona fide farm purposes on the date of the resolution of intent to consider annexation may not be annexed without the written consent of the property owner(s).
Ohio	After annexation, the owner of unplatted farmlands may petition the court for deannexation.
Oregon	Lands may not be annexed where they are used only for purposes of agriculture or horticulture, and are valuable on account of such use.

State	Restrictions
South Carolina	Any property owner that owns agricultural real property in the area to be annexed shall receive written notice of the proposed annexation by certified mail. If the property owner files a written notice objecting to the inclusion of his or her property in the area to be annexed with the municipal clerk at least ten days before the election, the property must be excluded from the area to be annexed.
Virginia	The court will consider the adverse impact on agricultural operations when determining whether or not to grant an annexation.

Deannexation

Current Tennessee Law	Proposed Changes	Other States' Laws
<p>Cities may deannex land. Only cities have the authority to initiate deannexation not the residents or property owners. A city can deannex property if it is approved by 3/4 of voters in an election. A city can also deannex on its own initiative by ordinance, but residents may object to the deannexation by submitting a petition signed 10% of the voters residing in the territory. An election will then be held and a majority of those voting must approve the deannexation.</p>	<p>Public Chapter 441 directed the Commission to study the issue of annexation as part of a comprehensive review and evaluation of the efficacy of state policies set forth in Tennessee Code Annotated Title 6, Chapters 51 (Change of Municipal Boundaries) and 58 (Comprehensive Growth Plan). The laws governing deannexation are in Title 6, Chapter 51.</p>	<p>Twenty-seven states authorize property owners to initiate a deannexation; twenty-four authorize cities to initiate deannexation.</p> <p>Fourteen states authorize both cities and property owners to initiate deannexation.</p> <p>A majority of states require a referendum or other form of consent before finalizing a deannexation.</p>

Other States' Laws on Deannexation

State	Initiation by municipality	Initiation by property owners	Approved by municipal body after petition of property owners	Election required	Petition for election	Other method of property owner approval	Approved by judge
Alabama	X				X		
Alaska	X			X			
Arizona	X					X	
Arkansas	X	if land is uninhabited	X	X			
California	X	X			X		
Colorado		X	X				
Connecticut							
Delaware	X			X			
Florida	X	X	X - must state specific reasons for rejection in report		X		

State	Initiation by municipality	Initiation by property owners	Approved by municipal body after petition of property owners	Election required	Petition for election	Other method of property owner approval	Approved by judge
Georgia		X	X			X	
Hawaii							
Idaho	X						
Illinois		X	X				X
Indiana		X	X				
Iowa	X	X	X	X		X	
Kansas	X	X	X				
Kentucky	X			X		X	
Louisiana	X	X		X		X	
Maine							
Maryland							
Massachusetts							
Michigan		X	X	X			
Minnesota	X	X					X
Mississippi	X	X					X
Missouri	X						
Montana		X	X			X	
Nebraska		X					X
Nevada	X	X				X	
New Hampshire							
New Jersey							
New Mexico							
New York							
North Carolina							
North Dakota	X	X	X				
Ohio		X			X		
Oklahoma	X	X	X				
Oregon	X				X		
Pennsylvania							
Rhode Island							
South Carolina	X	X			X		
South Dakota		X	X				
Tennessee	X						
Texas	X	X			X		
Utah		X	X				
Vermont							
Virginia	X						X

State	Initiation by municipality	Initiation by property owners	Approved by municipal body after petition of property owners	Election required	Petition for election	Other method of property owner approval	Approved by judge
Washington		X			X		
West Virginia		X		X			
Wisconsin		X			X		
Wyoming	X	X				X	
Total	24	27	14	8	9	8	5

Mutual Corporate Boundary Adjustments

Current Tennessee Law	Proposed Changes	Other States' Laws
Cities with contiguous boundaries may adjust their boundaries by contract in certain situations.	Public Chapter 441 directed the Commission to study the issue of annexation as part of a comprehensive review and evaluation of the efficacy of state policies set forth in Tennessee Code Annotated Title 6, Chapters 51 (Change of Municipal Boundaries) and 58 (Comprehensive Growth Plan). The laws governing mutual adjustment of boundaries is in Title 6, Chapter 51.	Ten states have laws authorizing municipalities to adjust their boundaries by mutual agreement.

Other States' Laws on Mutual Corporate Boundary Adjustments

State	Current Law
Arizona	A municipality may deannex territory and a municipality may simultaneously annex that territory by ordinance. The mutual annexation and deannexation of territory may be stopped if 51% of property owners in the territory protest.
Arkansas	A municipality that wants to deannex or annex property is required to pass an ordinance and send it to the other municipality. The other municipality's governing body must approve or deny the request. If approved, the territory is detached from one municipality and annexed by the other municipality.
Illinois	Municipalities may detach and annex territory of 60 acres or less by mutual agreement of governing bodies. Electors in the territory to be annexed may petition for referendum with 10% of the area to be detached and annexed.
Iowa	Property in a municipality that is contiguous to another municipality may be annexed by agreement with the contiguous city. The property owner must first petition for the annexation.
Kentucky	Two municipalities of the 2nd through 6th Class may mutually adjust their boundaries by ordinance supported by a petition signed by 51% of voters in the territory to be transferred.
Massachusetts	Before a boundary change takes place, it must be approved by the governing body of each town, the department of highways, and the general court.
Minnesota	Property may be concurrently detached/annexed by (1) submitting to the chief administrative law judge resolutions of both municipalities, or (2) submitting to the chief administrative law judge the petition of property owners and the resolution of at least one municipality. The administrative law judge will then make a determination.
Missouri	Property may be deannexed by one municipality and annexed by another municipality by an ordinance.
Ohio	Any two adjoining municipal corporations may agree to a change in the boundary line separating such municipal corporations by ordinance, provided such change does not involve the transfer of territory inhabited by more than five voters from one to the other or from each to the other.
Utah	Boundary adjustment may be accomplished by ordinance passed by both municipalities. Adjustment will be final unless a protest is filed by landowners of 25% of the area to be adjusted and 15% of the total value.

Merger of Municipalities

Current Tennessee Law	Proposed Changes	Other States' Laws
Two or more contiguous cities located in the same county are authorized to merge into one city. Each of the cities must pass a joint resolution (or ordinance in the case of home rule cities) requesting a referendum in the cities to approve or disapprove the merger. The resolution must be passed by each of the governing bodies by a majority vote. A majority of those voting in each city must approve the merger in order for the cities to be able to merge. Registered voters in each of the cities may petition for a referendum on the merger of cities.	Public Chapter 441 directed the Commission to study the issue of annexation as part of a comprehensive review and evaluation of the efficacy of state policies set forth in Tennessee Code Annotated Title 6, Chapters 51 (Change of Municipal Boundaries) and 58 (Comprehensive Growth Plan). The laws governing city mergers are in Title 6, Chapter 51.	Thirty-eight states have laws authorizing merger of cities. Thirty-five of these states require a referendum before the merger can be finalized.

Other States' Laws on Merger

State	Initiation		Referendum	Approval by 3rd party	Other
	Cities	Voters			
Alabama	X	X	X		
Alaska	X		X		
Arizona	X		X		
Arkansas		X	X		
California					
Colorado	X		X		
Connecticut					
Delaware					
Florida	X	X	X		
Georgia					
Hawaii					
Idaho	X	X	X		
Illinois		X	X		
Indiana	X		X		
Iowa					
Kansas	X - cities may submit to election or may enact by ordinance	X	X - cities may submit election, voters may protest an ordinance, or voters may petition for consolidation		
Kentucky	X		X		
Louisiana	X	X	X		

State	Initiation		Referendum	Approval by 3rd party	Other
	Cities	Voters			
Maine					
Maryland	X		X - if 20% of landowners petition		
Massachusetts					
Michigan		X	X		
Minnesota	X	X	X - if initiated by the city or 10% petition		
Mississippi	X			chancery court	
Missouri	X		X - if the greater of 100 voters, or 15% of votes cast in the last preceding election, petition		
Montana	X	X	X - unless initiated by more than 50% of landowners or electors		
Nebraska	X				
Nevada					
New Hampshire					
New Jersey	X	X	X	consolidation commission	
New Mexico	X		X		
New York	X	X	X - if initiated by the city		
North Carolina	X		X		
North Dakota	X	X	X	municipal consolidation review commission	
Ohio	X	X	X		
Oklahoma	X	X	X		
Oregon		X	X		
Pennsylvania	X	X	X		
Rhode Island					
South Carolina	X			X - optional	X- cities may agree to merge
South Dakota		X - both cities must then approve	X		
Tennessee	X	X	X		

State	Initiation		Referendum	Approval by 3rd party	Other
	Cities	Voters			
Texas		X - if at least 100 voters of each municipality petition, the government may call an election. If 15% of voters petition, then the government must call an election	X		
Utah	X	X	X		
Vermont	X		X		
Virginia	X	X	X - at judge's discretion	approved by judge who may submit to an election	
Washington	X	X	X		
West Virginia					
Wisconsin	X		X		
Wyoming	X		X - no vote, but cities must get consent signed by majority		

Growth Planning

Current Tennessee Law	Proposed Changes	Other States' Laws
<p>Current law requires each county, with exception of the three metropolitan governments, and the cities in the county to have an approved growth plan. At a minimum, the plan must show urban growth boundaries for the cities. Territory outside the UGB must be designated as planned growth areas or rural areas. Within an urban growth boundary, a city possesses the exclusive right to annex territory. Any new incorporation must be formed within a county's planned growth area.</p>	<p>Public Chapter 441 directed the Commission to study the issue of annexation as part of a comprehensive review and evaluation of the efficacy of state policies set forth in Tennessee Code Annotated Title 6, Chapters 51 (Change of Municipal Boundaries) and 58 (Comprehensive Growth Plan).</p>	<p>Twenty states have mandatory comprehensive planning laws for local governments.</p> <p>Four of these states—Hawaii, Maryland, Oregon, and Washington—require growth boundaries.</p>

Other States' Laws on Comprehensive Planning and Growth Boundaries

State	Comprehensive Planning	Urban Growth Boundaries
Alabama	Permissive	
Alaska	Mandatory	
Arizona	Mandatory	Permissive
Arkansas	Permissive	
California	Mandatory	Permissive through LAFCO or home rule charters
Colorado	Mandatory under specific circumstances	Permissive but mandatory for annexation to occur
Connecticut	Mandatory	Permissive
Delaware	Mandatory	Permissive but mandatory for annexation to occur
Florida	Mandatory	Permissive
Georgia	Permissive but mandatory if they want to remain eligible for state and federal assistance programs	
Hawaii	Mandatory	Mandatory
Idaho	Mandatory	Permissive but mandatory for annexation to occur

State	Comprehensive Planning	Urban Growth Boundaries
Illinois	Permissive	
Indiana	Permissive	
Iowa	Permissive	
Kansas	Permissive	
Kentucky	Mandatory	
Louisiana	Permissive	
Maine	Permissive	Permissive but mandatory if growth plan is adopted
Maryland	Mandatory	Mandatory - annexations must be accordance with comprehensive plan
Massachusetts	Permissive but mandatory if they want to remain eligible for state grants	
Michigan	Permissive	Permissive through home rule charters
Minnesota	Permissive	Permissive
Mississippi	Permissive	
Missouri	Permissive	
Montana	Permissive	
Nebraska	Mandatory city plan for cities of the metropolitan class (Omaha)	
Nevada	Mandatory for cities of 25,000 or more and counties of 45,000 or more	
New Hampshire	Permissive	
New Jersey	Permissive	Permissive through home rule charters
New Mexico	Permissive	
New York	Permissive	
North Carolina	Permissive	
North Dakota	Permissive	
Ohio	Permissive	
Oklahoma	Permissive	
Oregon	Mandatory	Mandatory
Pennsylvania	Mandatory	

State	Comprehensive Planning	Urban Growth Boundaries
Rhode Island	Mandatory	Municipal boundaries locked in by statute
South Carolina	Permissive	
South Dakota	Mandatory for cities permissive for counties	Permissive
Tennessee*	Permissive; growth boundary map required	Mandatory
Texas	Permissive	
Utah	Mandatory	
Vermont	Permissive but mandatory for certain state grants and if they want to adopt development regulations	
Virginia	Mandatory	Permissive
Washington	Mandatory for certain counties	Mandatory
West Virginia	Permissive	Permissive
Wisconsin	Permissive	
Wyoming	Permissive	

*Tennessee's growth planning law, Tennessee Code Annotated Title 6, Chapter 58, is separate from the statute authorizing comprehensive planning, Tennessee Code Annotated Title 13, Chapters 3 and 4.

Amending Growth and Comprehensive Plans

Current Tennessee Law	Proposed Changes	Other States' Laws
<p>A city or county may propose amendments to the growth plan by filing notice with the county executive and the mayor of every city. The coordinating committee is then reestablished and uses the original process to amend the growth plan. The coordinating committee and the legislative bodies must hold public hearings on the plan. The coordinating committee must submit the proposed amendment with its recommendations to each governing body. The county and city governing bodies must either ratify or reject it. The failure to act within 120 days serves as a ratification of the recommended growth plan. If the growth plan was recommended by the coordinating committee and ratified by the county and all cities, then the Local Government Planning and Advisory Committee grants approval of the plan automatically.</p>	<p>Senate Bill 613 by Yager, House Bill 1035 by Keisling specifies that the mayor of a municipality may propose to amend only the urban growth boundary of that mayor's municipality and a county mayor or county executive may propose to amend only the boundary between a planned growth area and a rural area. It also clarifies the procedures for amending growth plans. All other proposals to change growth plans are deemed revisions, which require resolutions by either the county legislative body or the governing bodies of municipalities containing at least half the population living in municipalities.</p> <p>Senate Bill 732 by Watson, House Bill 231 by Carter places restrictions on the ability of the mayor of a municipality that has not annexed all territory within its urban growth boundaries to propose an amendment to the growth plan and to serve on the coordinating committee reconvened or reestablished to amend the growth plan.</p>	<p>Most states require comprehensive plans be reviewed or revised every two to ten years.</p> <p>Two states, California and Rhode Island, limit the number of times their comprehensive plans can be amended per year.</p> <p>Washington requires the growth areas to be reviewed annually. Utah requires a certain section of the plan on low-income housing be reviewed biennially for counties with a population over 25,000 and cities.</p> <p>Five states allow comprehensive plans to be reviewed and revised as necessary.</p>

Other States' Laws on Amending Required Comprehensive Plans

State	Amending Plan	How often
Alaska	Amendments to comprehensive plan are recommended by the city or borough planning commission and adopted by the city or borough assembly.	2 to 5 years

State	Amending Plan	How often
Arizona	County planning commission confers with affected cities and state land department and formulates a recommendation for an amendment to comprehensive plan. It holds a public hearing. It may then approve the amendment and send to the board of supervisors for final approval. Cities adopt amendments in similar way except planning commission is optional and governing body has final approval pending a public hearing.	Must review and readopt the plan once every 10 years or create a new plan
California	If there is no planning commission, the local legislative body must act instead. Before adopting or amending, the planning commission must hold a public hearing. Amendments to the city or county comprehensive plan are recommended by the city or county planning commission and adopted by the city or county governing body.	May be updated as necessary, but no more than 4 times per year
Colorado	Amendments to the city or county comprehensive plan are recommended by the city or county planning commission and adopted by the city or county governing body.	As necessary
Connecticut	Amendments to the plans of conservation and development are prepared by the city planning commission and submitted to the city governing body. If the governing body rejects, then the commission can override with a 2/3 majority vote.	10 years

State	Amending Plan	How often
Delaware	Amendments to comprehensive plan approved by city or county government shall be submitted to the Office of State Planning Coordination for review at such time as the plan is made available for public review. Should the Office object to the amendment, the city or county and the Office enter into dispute resolution. After comment and review, the governor decides to accept or reject.	At least every 5 years a city or county shall review its adopted comprehensive plan. The plan shall be revised, updated and amended as necessary, and readopted at least every 10 years.
Florida	Amendments to the comprehensive plan are recommended by the city or county planning commission and adopted by the city or county governing body.	7 years
Hawaii	Amendments submitted by state agency in charge of area and reviewed by advisory committee. Amendments then submitted to relevant state and federal agencies for comment and approved by the governor.	As necessary
Idaho	Amendments to the comprehensive plan are recommended by the city or county planning commission and adopted by the city or county governing body.	May be updated at any time
Kentucky	Amendments to the comprehensive plan are recommended by the city or county planning commission and adopted by the city or county governing body.	5 years
Maryland	Amendments to the comprehensive plan are recommended by the city or county planning commission and adopted by the city or county governing body.	Every 6 years
Nebraska	The plan shall be carried out by an appropriate city board or official.	As necessary

State	Amending Plan	How often
Nevada	Amendments to the city or county master plan must be approved by the planning commission. It may be approved by local governing bodies in counties with a population under 700,000. The local legislative body in counties with a population of 700,000 or more must approve the amendment.	Every 5 years reviewed by regional planning coalition
Virginia	Amendments to the comprehensive plan are recommended by the city or county planning commission and adopted by the city or county governing body.	5 years
Washington	City or county governing bodies must approve an amendment. Cities or counties must submit a copy of the amended plan to the department of commerce.	Varies, commonly every 8 years; must review growth areas every year