



Municipal Technical Advisory Service
INSTITUTE *for* PUBLIC SERVICE

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Private Act Charter

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](http://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

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Table of Contents

Private Act Charter	3
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Private Act Charter

Reference Number: MTAS-329

A private act charter applies only to the city or town with that specific charter. In other words, if your city or town is chartered under, say, Chapter 319, Private Acts of 1943, there's only one city or town to which Chapter 319, Private Acts of 1943, applies: yours. The city or town next door to yours may also have a private act charter, but it will be chartered under, say, Chapter 27, Private Acts of 1901.

All cities with a private act charter were incorporated before 1953 when the constitution was amended to prohibit incorporating cities by special act. If a private act city wants to amend its charter, the city's legislative delegation introduces the amendment in the General Assembly, and the city must ratify the new private act. The governing body of a private act city can play a major role in determining the municipal government's form and structure. Its members can influence the legislature to make private act amendments, which may then be approved by a two-thirds vote of the governing body or by referendum. In a home rule city, charter amendments may be initiated by the governing body passing an ordinance, which is then submitted for referendum approval.

Don't get private act charters and general law charters mixed up. If you have a private act charter, none of the general law charters apply to your municipality. Your private act charter may provide for the mayor-aldermanic form of government, but the general law mayor aldermanic charter does not apply to your city.

There are general laws throughout *Tennessee Code Annotated* that apply to both private act and general law municipalities, but the general law charters apply only to municipalities that have those particular general law charters.

DISCLAIMER: The letters and publications written by the MTAS consultants were written based upon the law at the time and/or a specific sets of facts. The laws referenced in the letters and publications may have changed and/or the technical advice provided may not be applicable to your city or circumstances. Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this website.

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