



Municipal Technical Advisory Service
INSTITUTE *for* PUBLIC SERVICE

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Urban-Type Public Facilities and Functions

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

Urban-Type Public Facilities and Functions.....	3
-------------------------------------------------	---

Urban-Type Public Facilities and Functions

Reference Number: MTAS-619

Counties are authorized to construct and operate "urban-type public facilities." This term means:

...sanitary and storm sewer lines and facilities, plants for the collection, treatment, and disposal of sewage and waste matter, facilities and plants for the incineration or other disposal of garbage, trash, ashes, and other waste matter, and/or water supply and distribution lines, facilities, and plants, chemical pipelines and docks, and fire protection and emergency medical services. T.C.A. § 5-16-101.

Counties may operate these facilities directly through a county department, or they may create a board of public utilities. T.C.A. §§ 5-16-102–103. Cooperative undertakings with other governmental units, including "municipalities, towns, utility districts, and improvement districts within the county" are specifically authorized when "mutually advantageous." T.C.A. § 5-16-107.

All project plans must be submitted to a regional planning commission or, in the absence of such a commission, the planning commission of the largest city in the county. The planning commission receives the plans "for study and a written report" within 90 days or an extended period fixed by the county governing body. T.C.A. § 5-16-112.

Following the planning commission review, if a facility is to be located within five miles of any part of a city's boundary, a resolution petitioning the city to provide the facility, together with a full report of the county's plans (engineering and financial feasibility reports, etc.), must be presented to the city. The county may proceed if the city fails "to take appropriate action to provide a specified public facility or facilities in a specified area or areas" within 90 days. T.C.A. § 5-16-111.

Provision is made for transferring to a city rights, duties, property, assets, or liabilities in conjunction with such facilities in the event of annexation, including arbitration for disagreements. The statutory language is the same as that in T.C.A. § 6-51-111, T.C.A. § 5-16-110.

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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