**From:** Elisha Hodge, MTAS Legal Consultant
**Sent:** August 5, 2022
**Subject:** Contraction of City Limits

Via Email

You have asked the proper procedure for moving forward with the contraction or deannexation of property within the town’s geographical boundaries.  Tennessee Code Annotated Section 6-51-201 provides two methods for the deannexation of property within a municipality’s geographical boundaries. Tennessee Code Annotated Section 6-51-201(a) provides the first method to deannex property and it reads, “Any incorporated city or town, whether it was incorporated by general or special act, may contract its limits within any given territory; **provided, that three fourths ( ¾ ) of the qualified voters voting in an election thereon assent thereto**. (Emphasis mine.) Any referendum held pursuant to Tennessee Code Annotated Section 6-51-201(a) must be initiated by the passage of an ordinance by the municipality’s governing body.

The second method of deannexing property within a municipality is found in Tennessee Code Annotated Section 6-51-201(b) which reads:

1. Any incorporated city or town, whether it was incorporated by general or special act, **may after notice and public hearing, contract its limits within any given territory upon its own initiative by ordinance when it appears in the best interest of the affected territory.**
2. **Such contraction of limits within any territory shall not occur unless a majority of the total membership of the city legislative body approves such contraction.**
3. Such contraction of limits within any territory shall not occur if opposed by a majority of the voters residing within the area to be deannexed. The concurrence of a majority of the voters shall be presumed unless a petition objecting to deannexation signed by ten percent (10%) of the registered voters residing within the area proposed to be deannexed is filed with the city recorder within seventy-five (75) days following the final reading of the contraction ordinance. If such a petition is filed, a referendum shall be held at the next general election to ascertain the will of the voters residing in the area that the city proposes to deannex. The ballot shall provide a place where voters may vote for or against deannexation by the city. If a majority of those voting in the referendum fail to vote for the deannexation, the contraction ordinance shall be void and the matter may not be considered again for two (2) years. If a majority vote for deannexation, the ordinance shall become effective upon certification of the result of the referendum. (Emphasis mine)

Based upon the language above, the Board of Commissioners for your town may deannex the property described through the passage of an ordinance, by a majority of the total membership of the governing body, after public notice is provided, a public hearing is held, and the governing body determines that the deannexation is in the best interest of the affected territory. The Board of Commissioners also has the option of passing an ordinance calling for a referendum on the deannexation question with the question then being decided by the voters.

Please let me know if you have other questions.