

December 19, 2011

John Doe
City Administrator
Town of Anytown

Dear Mr. Doe:

Your question was, "Can a County contract with a City for fire protection for a specific area outside the town limits." Your answer is YES.

There are five different methods provided in Tennessee law to specifically allow Cities to contract Counties or individuals or groups outside the municipal limits to provide governmental services such as fire protection. The first is a simple interlocal agreement for services.

Tennessee Code: TITLE 5 COUNTIES: CHAPTER 1 GENERAL PROVISIONS: PART 1 COUNTIES GENERALLY: 5-1-113. Interlocal cooperation with municipalities.

The county legislative body of any county and the chief legislative body of any one (1) or more municipalities lying within the boundaries of the county are authorized and empowered to enter into any such agreements, compacts or contractual relations as may be desirable or necessary for the purpose of permitting the county and the municipality or municipalities to conduct, operate or maintain, either jointly or otherwise, desirable and necessary services or functions, under such terms as may be agreed upon by the county legislative body and the chief legislative body of the municipality or the chief legislative bodies of the municipalities.

The second method would be to form a countywide fire department and then have that fire department contract with the City to provide fire protection to a specified area outside the municipal limits. This method is authorized as follows.

Tennessee Code: TITLE 5 COUNTIES: CHAPTER 17 COUNTYWIDE FIRE DEPARTMENTS: 5-17-102. Powers and duties.

(a)(7)(B) Contract to have existing fire departments and others provide fire protection services in any area of the county, including, but not limited to:

(i) Contracts with incorporated towns and utility districts to provide such service within or without their corporate limits;

The third method would allow the city to contract with a community group to provide fire protection for a group of homes, structures, or area.

Tennessee Code: TITLE 6 CITIES AND TOWNS: CHAPTER 54 MUNICIPAL POWERS GENERALLY: PART 6 MUTUAL ASSISTANCE IN FIREFIGHTING: 6-54-601. Contracts and mutual aid agreements.

(b) Incorporated cities and towns may also enter into contracts with organizations of residents and property owners of unincorporated communities for the purpose of providing firefighting assistance to the unincorporated community.

The fourth method of providing fire protection service to county residents outside the town limits would be to contract with individual homeowners.

(c) Any incorporated city or town may provide fire protection to citizens outside the territorial limits of the municipality on an individual contractual basis whenever an agreement has been made for the extension of that service by the legislative body of the municipality and the legislative body of the county in which the fire protection is to be provided.

The fifth method of providing fire protection service outside the town limits would be for the City to contract with the County to cover a specific area of the county outside the corporate limits of the town.

In addition, any municipality may provide fire protection to citizens within an area outside the territorial limits of the municipality without individual contracts whenever an agreement has been made by the legislative body of the municipality, and the legislative body of the county in which fire protection is to be provided for the extension of that service and establishing the area to be served. Counties may appropriate funds for the payment of compensation to the municipalities for the extension of firefighting service.

Specific information on how to execute such an interlocal agreement and the provisions that must be contained therein are in TCA 12-9-104 (copy attached).

If you any further questions about fire protection, please let me know. I will be happy to help you with your grant application next year by reviewing the narrative or discussing ideas for fundable grants.

Sincerely yours,

Dennis Wolf
Fire Management Consultant