



Municipal Technical Advisory Service  
INSTITUTE *for* PUBLIC SERVICE

November 8, 2001

Dear Sir:

Your letter of October 8, 2001 has been referred to me for reply.

Your first question is whether the municipality is obligated to provide services such as emergency services outside the corporate limits. The answer to this question is no unless there is some contractual obligation on the part of the city to respond outside its limits. Municipalities are created, of course, to provide services to their residents and taxpayers, and the governing body must exercise its discretion in determining whether to provide certain services outside the corporate limits.

Police authority generally is limited to the corporate limits except "for the suppression of all disorderly acts and practices forbidden by the general laws of the state," and in these situations, the jurisdiction is generally extended to one mile beyond the corporate limits. TCA § 6-54-301. The next section also allows police jurisdiction to serve arrest warrants anywhere within the county where the city is located.

There are several provisions in state statute that allow mutual aid and contractual agreements under which municipal employees may legally be sent outside the corporate limits. TCA § 6-54-307 authorizes municipalities to make mutual aid agreements for police services with counties, other municipalities, and other entities. This statute also allows municipalities to make contractual agreements with organizations of residents and property owners for police protection outside the corporate limits. TCA § 12-9-101, *et seq.*, the Interlocal Cooperation Act, also allows mutual aid and service agreements with counties and other entities. TCA § 6-54-601 allows mutual aid and service agreements for fire protection outside the corporate limits.

Your second and final question is whether the city may make a mutual aid agreement with a municipality in another state. Both TCA § 6-54-307 and the Interlocal Cooperation Act allow agreements with entities in other states to the extent the laws of the other state allow such agreements. Although the Interlocal Cooperation Act is a uniform law proposed by the federal Advisory Commission on Intergovernmental Relations, apparently the state in question has not adopted it or any other law that would allow agreements between that state's local governments and local governments in other states.

It is a good idea to discuss this with the TML Risk Management Pool. They have model agreements that the city can use to provide mutual aid or service outside the city.

I hope this information is helpful. If I may be of further assistance, please call.

Sincerely,  
Dennis Huffer  
MTAS Legal Consultant