

**STATE OF TENNESSEE**  
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March 28, 2006

Opinion No. 06-055

Residency Requirements for City Officials

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**QUESTION**

Do residency requirements for elected officials found in private act city charters supersede the residency requirements in Tenn. Code Ann. § 6-3-103?

**OPINION**

The residency requirements in Tenn. Code Ann. § 6-3-103 apply only in cities incorporated under the mayor-aldermanic form of government, Tenn. Code Ann. §§ 6-1-101, *et seq.* They do not apply in cities incorporated under private acts. Ordinarily, the residency requirements in a city's private act charter would apply to the elected officials of that city.

**ANALYSIS**

This opinion addresses the applicability of the residency requirements contained in Tenn. Code Ann. § 6-3-103. That statute provides:

(a) No person shall be eligible for the office of mayor unless such person has resided within the municipality for at least one (1) year next preceding the election.

(b) No person shall be eligible for the office of alderman unless such person has resided within the ward for at least one (1) year next preceding the election.

(c) Residence within any area annexed in a year preceding an election shall be counted in meeting the residence requirement of this section.

(d) Any officer moving from such officer's ward, in the case of an alderman, or moving from the municipality, in the case of the mayor, during the term of office shall be presumed to have vacated

the office, and it shall be declared vacant, and filled as provided in § 6-3-107.

The question is whether the residency requirements in private act city charter supersede the requirements found in this statute. Tenn. Code Ann. § 6-3-103 appears in the statutory scheme creating the mayor-aldermanic form of city government, Tenn. Code Ann. §§ 6-1-101, *et seq.* It does not apply to officials in cities that were not incorporated under this statutory charter, including cities incorporated under private acts. Ordinarily, the residency requirements in a city's private act charter would apply to the elected officials of that city.

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