

JOSH STEIN
ATTORNEY GENERAL



REPLY TO:
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June 15, 2018

Tim Blakeley
Chief of Police
Vass Police Department
P.O. Box 487
Vass, North Carolina 28394

Re: Advisory Letter Regarding N.C.G.S. 160A-286

Dear Chief Blakely:

I am in receipt of your letter, dated April 10, 2018, concerning extraterritorial jurisdiction for city police officers pursuant to N.C.G.S. 160A-286. I am happy to respond.

N.C.G.S. 15A-402(c) provides that "law enforcement officers of cities may arrest persons at any point which is one mile or less from the nearest point in the boundary of such city." N.C.G.S. 160A-286 provides, in pertinent part, that "city policemen shall have all the powers vested in law enforcement officers by statute or common law within one mile of the corporate limits of the city, and on all property owned by or leased to the city wherever located."

It is my opinion that the one mile extraterritorial jurisdiction can also be measured from the boundary of any satellite annexation. Such annexations would be considered a part of the "corporate limits of the city" and applying the one mile extraterritorial jurisdiction would be in keeping with the purpose of allowing officers to go about their law enforcement duties without concern for the precise location of a city limit line.

The other statute you reference in your letter, N.C.G.S. 160A-58.4, does not apply to the territorial jurisdiction of a municipality for law enforcement purposes. The statute primarily refers to the planning and land use regulation capabilities of a municipality outside of the corporate boundaries. If anything, the clear inference of the inclusion of such language in this statute is that, for all other purposes but those listed in N.C.G.S. 160A-58.4, satellite annexations are in fact considered part of a city's corporate limits.

Chief Tim Blakeley

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I hope you find this information responsive to your inquiry and if I may be of any further assistance in this matter, please do not hesitate to contact my office.

Please be aware that this is not a formal opinion of the Attorney General's Office, and has not been reviewed and approved in accordance with the procedures for issuing formal Attorney General Opinions.

Sincerely,

Handwritten signature of Tammera Hill in cursive script.

Tammera S. Hill

Special Deputy Attorney General