

OFFICE OF THE
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STATE OF ALABAMA

89-00170

FEB 10 1989

Honorable Lakin Collins
Mayor
P. O. Box 1089
Athens, Alabama 35611

Municipalities - Planning
Commissions - Police Jurisdiction
- Subdivisions

The territorial jurisdiction of
the Planning Commission of the
City of Athens is not affected by
the abolishment of police
jurisdictions of municipalities
within Limestone County.

Dear Mayor Collins:

This opinion is issued in response to your request for an
opinion from the Attorney General.

QUESTION

Is the subdivision jurisdiction of the
City of Athens affected by the abolishment
of police jurisdictions within Limestone
County?

FACTS AND ANALYSIS

Your request states:

At the time of adoption of Subdivision
Regulations for the City of Athens (April
10, 1973), it was agreed that an area of
three miles outside the corporate limits was
sufficient for planning future municipal
growth. As an easily identifiable boundary,

the Planning Commission chose to use the Police Jurisdiction, also a three-mile area.

On November 8, 1988, the people of Limestone County effectively abolished Police Jurisdictions within Limestone County, by passage of a local amendment.

On November 23, 1988, the Planning Commission of the City of Athens, amended the Subdivision Regulations, to state that the territorial jurisdiction would be all land located within the corporate limits and all land located within three miles of the corporate limits of the City of Athens.

Municipal planning commissions are provided for in Code of Alabama 1975, §§ 11-52-1, et seq. The territorial jurisdiction of a municipal planning commission is set forth in § 11-52-30, which states, in pertinent part, as follows:

"The territorial jurisdiction of any municipal planning commission over the subdivision of land shall include all land located in the municipality and all land lying within five miles of the corporate limits of the municipality and not located in any other municipality; ..."

This office has held that a municipal planning commission is not required to exercise jurisdiction within the entire area permitted by statute. Opinion to Honorable Sam E. Loftin, Attorney for Phenix City, under date of November 1, 1988.

The territorial jurisdiction of a municipal planning commission is separate and distinct from a municipality's police jurisdiction, which is set forth in Code of Alabama 1975, § 11-40-10. Therefore, although the police jurisdiction may be reduced or abolished by local act, this would not affect the territorial jurisdiction of the municipal planning commission. See Opinion to Honorable Donald G. Holmes, Senator, under date of April 21, 1983 for authority to reduce police jurisdiction by local act.

Since the Planning Commission of the City of Athens amended its subdivision regulations to state that its territorial

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jurisdiction included all land located "within three miles of the corporate limits" of the city rather than all land "within the police jurisdiction" of the city, the abolishment of the police jurisdictions within Limestone County has no effect on the territorial jurisdiction of the Planning Commission of the City of Athens.

CONCLUSION

It is the opinion of the Attorney General that the territorial jurisdiction of the Planning Commission of the City of Athens is not affected by the abolishment of the police jurisdiction of municipalities within Limestone County.

I hope this sufficiently answers your question. If our office can be of further assistance, please do not hesitate to contact us.

Sincerely,

DON SIEGELMAN
Attorney General
By:

Brenda Flowers

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