

**OPINION
58-173**

September 26, 1958 (OPINION)

MOTOR VEHICLES

RE: General Provisions - Prohibition of Parking Meters - Meters on
 Private Property

Your letter of September 25, 1958, has been received in this office. In your letter you state that the city of Jamestown is now in the process of entering into a new lease with the Northern Pacific Railway Company covering certain properties in your city. This will be a term lease and under the arrangement that you have with the railway company it is mandatory that the city charge for these parking facilities. You raise the question as to whether under section 39-0109 of the 1957 Supplement to the North Dakota Revised Code of 1943 it is legal for the city of Jamestown to place parking meters on these lots that are leased from the railway company.

Section 39-0109 of the 1957 Supplement reads as follows:

From and after the passage of this measure (section), it shall be unlawful for the state of North Dakota, its political subdivisions, counties, cities, villages, and the state highway department to establish and maintain any mechanical device or devices known as 'parking meters,' or by whatever name designated, requiring the deposit therein of coins or tokens for the privilege of parking cars or other vehicles upon the streets and highways in the state of North Dakota. Any and all ordinances and resolutions now existing authorizing the establishment and maintenance of such mechanical devices or parking meters, or by whatever name designated, are hereby declared null and void."

I can see no objection whatsoever to the use of parking meters upon a lot or lots which the municipality has leased and which it controls. Section 39-0109 prohibits the use of parking meters upon the streets and highways in the state of North Dakota. The use of such meters is not prohibited upon a privately owned or leased area.

This is the opinion of our office, and we trust that it answers the question you raise.

LESLIE R. BURGUM

Attorney General