

OPINION
55-27

June 1, 1955 (OPINION)

CITIES

RE: Ordinance - Authority to Adopt Daylight Saving Time

This is to acknowledge receipt of your letter of May 27, 1955, requesting our official opinion in the matter of the power of the city to adopt daylight saving time. You ask specifically whether in the opinion of this office the Dickinson city commission has authority to adopt daylight saving time by ordinance within the city of Dickinson, and whether such ordinance will legally establish the time in the city of Dickinson for private business affairs and municipal business affairs. You further state that you presume that it could in no way affect the time used in county and district court and school district affairs.

We find no statute of this state specifically authorizing a municipality to adopt a standard of time or setting a standard of time for the state as a whole. The only judicial precedent on the question that we have located is the case of Orvik and Olson v. Casselman, 18 N.D. 34, wherein the court took judicial notice of the fact that the use of "standard" or "railroad" time in designating the hour of the day had been in universal usage in this state since territorial days and therefore held in effect that the expression "2 P.M." in a legal notice referred to 2 P.M. standard time rather than solar time.

86 C.J.S. 828, section 6, sets out the following generalities which may be of some aid to you in this instance.

By reason of statutory enactment, a municipality may be precluded from adopting daylight saving time if the remainder of the state is operating under standard time, but if it is not in conflict with statutory provisions, a municipality may adopt daylight saving time for private municipal and business affairs. If standard time is the official time of a state, a county of that state can adopt daylight saving time only by a municipal ordinance to that effect, and the fact that daylight saving time is the prevailing time in use throughout the county does not make it the official time for the county.

In view of the above, it is our opinion that such an ordinance will legally establish the time in the city of Dickinson for private business affairs and municipal business affairs. The question, of course, becomes much more difficult where county and district court and school district affairs are concerned. In the courts, of course, where the hours of a particular hearing or the like are set at the discretion of the court, there would, of course, be no reason why the court could not specify that the hearing be held at a particular hour, specifically designating whether the hour specified was under Standard or Daylight time. However, where specific times for an event are set by statute, such as for example, the hours at which

special school district election polls are open, insofar as the Legislature was not in a position to foresee this action of the governing bodies of municipalities, it is our opinion that such hours would necessarily be governed by standard time.

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