

Your city may not be *allowed* to do that

One mechanism of local government — whether a locality can act on its own or needs the state's permission, and why that depends entirely on which state you are in.

BEFORE YOU BEGIN

How This Guide Works

This is part of **Incognati Civics**, applying the field-guide format to local government — city councils, counties, special districts, zoning, and local taxes. Unlike elections or federal law, local structure **varies by state and even by town**: the same title can carry different powers ten miles away. So each specimen names the pattern and the tell, then points you to the one authority that settles it — your own jurisdiction's charter and your state's code — rather than asserting a single national rule. Sources are cross-jurisdiction bodies and representative statutes, listed in full on the references page.

INCOGNATI CIVICS — LOCAL GOVERNMENT

- | | |
|--|--|
| 01 Forms of Government: Who Actually Runs the City | 02 Dillon's Rule vs. Home Rule |
| 03 Overlapping Jurisdictions: Who Is Responsible | 04 Elected vs. Appointed Offices |
| 05 Special Districts: The Hidden Layer | 06 Open-Meetings Laws & the Walking Quorum |
| 07 Property Tax: Rate vs. Levy vs. Reassessment | 08 Zoning: Variance vs. Rezoning vs. As-of-Right |
| 09 Public Notice: 'Public' but Unseen | 10 Bond & Referendum vs. Council Appropriation |
| 11 Quorum & What a Majority Means | 12 Conflict of Interest & Recusal |

Dillon's Rule vs. Home Rule

Nihil Nisi Concessum

Governing precedent / case Dillon's Rule; state home-rule provisions **Status** Varies by state; foundational

OBSERVED SPECIMEN

STATES, BY HOME-RULE STATUS

*When a city passes a minimum wage, a plastic-bag ban, or a rent rule and a court strikes it down, the reason is often not the policy but the **authority**. Under **Dillon's Rule** — a 19th-century doctrine from Judge John F. Dillon — local governments have only the powers the state expressly grants them, and doubts are resolved against the locality. Home-rule states grant broad self-governing authority up front. Which regime applies, and for which powers, varies state by state, and state legislatures can also preempt local action outright. “The city banned X” may run straight into “the city had no power to.”*

THE HOOK

A local law is treated as settled, when the prior question is whether the locality could pass it at all.

THE MECHANISM

Cities are creatures of the state. Dillon's Rule limits them to expressly granted powers; home rule grants broad authority; state preemption can override either. Which applies varies by state and by subject.

Field mark: when a local ordinance is challenged, ask first whether your state is Dillon's Rule or home rule, and whether the state has preempted the subject — the fight is often about authority, not the policy, and your state constitution settles it.

See the full references page for complete citations.

References

every source checkable at the link provided; DOIs given where the source has one

FOUNDATIONAL DOCTRINE

John F. Dillon, *Commentaries on the Law of Municipal Corporations* (1872); origin in *Merriam v. Moody's Executors*, 25 Iowa 163 (1868).

https://www.law.cornell.edu/wex/dillon%27s_rule

The doctrine that municipalities possess only powers expressly granted by the state, with doubts resolved against the locality.

CROSS-JURISDICTION AUTHORITY · NLC

National League of Cities, “Cities 101 — Delegation of Power” and home-rule / preemption resources.

<https://www.nlc.org/resource/cities-101-delegation-of-power/>

Nonpartisan overview of Dillon's Rule, home rule, and state preemption, which differ by state.

Reading a Local Ordinance Fight: A Gut Check

four questions before ‘the city banned it’ tells you the matter is settled

1 Check the state regime

Dillon's Rule or home rule — it decides what a city may do.

2 Look for express grant

Under Dillon's Rule, the power must be specifically granted.

3 Watch for preemption

A state law can void a local one on the same subject.

4 Separate power from policy

‘Struck down’ often means ‘no authority,’ not ‘bad idea.’

INCOGNATI CIVICS

The Series Continues

This is Specimen No. 2 of the Local Government section within Incognati Civics — the section built around the fact that local structure varies, so every plate ends at your own charter. It joins Elections, Federal Laws, Official Data Reporting, and Institutional Communications within Civics. The Incognati Atlas catalogs the underlying patterns across all of it.