



City of Geneva

Home Rule Research Information

“Possible Uses of Home Rule in Specific Areas”

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Possible Uses of Home Rule in Specific Areas

General Administration

Home rule allows for broader licensing and regulation authority for municipalities without first having to go to the state government for permission.

Examples of licensing and regulations:

- Cable
- Liquor
- Utilities
- Land Use
- Public Transit
- Mobile Homes
- Vendors
- Nursing Homes
- Tow Trucks
- Pollution

By changing to home rule, a municipality would be able to:

- Impose fines greater than the \$750 limit
- License and regulate cats
- License vending machines by ordinance
- Impose a user fee on truck traffic
- Alter curfew for juveniles
- Regulate hand gun registration and possession within city boundaries

Governmental Organization

Home rule allows for a change in the structure of municipal government based upon the approval of local voters.

Examples of governmental changes:

- Appointing a Clerk
- Creating or eliminating positions
- Changing council powers
- Changing size of council
- Changing election procedures
- Lengthening terms of an office

By changing to home rule, a municipality would be able to:

- Increase or decrease the size of the city council
- Establish a strong mayor form of government
- Change the Mayor's position from part-time to full-time or from full-time to part-time
- Make all municipal elections non-partisan
- Cease being a home rule unit through public referendum

Opposing State Mandates

Home rule allows a municipality to work around certain state mandates.

By changing to home rule, a municipality would be able to:

- Adopt a budget and appropriation ordinance process different than what is found in the state statutes
- Build and operate a hydroelectric plant without regard to specific Illinois statutory requirements
- Set mandatory retirement age below the statutory age of 63

Community Development

Home rule gives municipalities, through the use of broader zoning regulations, the ability to rehabilitate older residential neighborhoods while helping to prevent neighborhood deterioration.

By changing to home rule, a municipality would be able to:

- Enforce regulations regarding property maintenance costs
- Adopt a housing code provision prohibiting owners of vacant houses from leaving the property boarded up and unused longer than six months
- Revise zoning regulations
- Require a license to install or maintain burglar and/or fire alarms
- Broaden the use of eminent domain in acquiring blighted or deteriorated properties

Financial Tools

Home rule gives municipalities the ability to develop creative financing and incur debt beyond statutory limits, in order to expediate local economic development.

Examples of financial development:

- Authorize municipal acquisition, redevelopment, and sale of blighted areas

- Issue non referendum general obligation bonds for private loans or for the purpose of development
- Allows local officials more latitude to bargain with developers
- Revenue bonds can be used to finance projects which are not specified in state statutes, at higher interest rates
- Issue revenue bonds to provide capital for low-interest residential loans
- The ability to use ordinary bank loans as an alternative, which may not be available under statutory law to non-home rule units
- Secure Industrial Revenue Bonds not subject to outside competition
- Adopt investment policies not restricted by state statutes
- Provide subsidies or credits to private businesses using non-referendum general obligation bonds as loan guarantees

By changing to home rule, a municipality would be able to:

- Issue development revenue bonds to help develop a shopping center
- Issue a sales tax rebate to a new or expanding business in order to attract new retail
- Adopt investment policies not included in state statutes
- Use non-referendum general obligation bonds for private loans for construction of housing for the elderly
- Issue non-referendum general obligation bonds to build a new civic center
- Issue non-referendum general obligation bonds to construct parking ramps

Taxing Authority

Home rule allows municipalities to impose taxes not available to non home rule municipalities. Home rule municipalities are not subject to limitations set by state statute on property tax rates or bonded indebtedness.

Examples of taxes that home rule municipalities can impose or are freed from state restrictions are:

- Real Estate Transfer Tax
- Hotel/Motel
- Utility
- Property taxes
- Amusement
- New motor vehicle
- Gasoline
- Food and Beverage
- Liquor
- Mobile Homes

By changing to home rule, a municipality would be able to:

- Adopt a restaurant tax to fund a convention or visitor's bureau
- Give a sales tax rebate to new or expanding businesses
- Impose a tax on the storage of flammable liquids
- Impose a hotel-motel tax or use the existing hotel-motel tax for any purpose deemed necessary
- Impose a tax on retail sales that is limited to the first \$500
- Impose a tax on the retail sale of automobiles
- Impose a tax on cigarettes
- Impose a tax on gasoline
- Impose a real estate transfer or exit tax, local moves exempted

Police and Fire

Home rule allows municipalities to organize the Police and Fire departments in unique ways that better serve the municipalities.

Examples of better organization of Police and Fire Departments are:

- Creation of alternatives to Police and Fire Commissions
- Create exempt ranks
- Change Commission powers
- Create new positions

By changing to home rule, a municipality would be able to:

- Create two police deputy chief positions
- Hire a personnel director and personnel board instead of having a Police and Fire Commission
- Give Police and Fire Commissioners more authority over personnel including demotions
- Transfer power to hire police officers from Police and Fire Commission to the City Manager/Administrator

Conclusion

These are just some of the many possible uses for Home Rule. Since the 1970 Illinois Constitution states that the "... powers and functions of home rule units shall be construed liberally." (Art. VII, Sec. 6), this allows for home rule municipalities to find more creative ways to manage local municipalities.