No. 116054

IN THE
SUPREME COURT OF ILLINOIS

ELIZABETH KEATING, PAUL W. KETZ, RANDALL D. GUINN, CAMERON W. MALCOM, JR., CHARLIE PEACOCK, SHIRLEY PEACOCK, and JENNIFER P. DiGREGORIO, individually and on behalf of all others similarly situated,

Plaintiffs-Appellants-Petitioners,

v.

CITY OF CHICAGO, a Municipal Corporation,

Defendant-Appellee-Respondent.

On Petition for Leave to Appeal from the Appellate Court of Illinois,
First Judicial District, No. 1-11-2559
There Heard on Appeal from the Circuit Court of Cook County, Illinois
County Department, Chancery Division, No. 10 CH 28652
The Honorable Michael B. Hyman, Judge Presiding

ANSWER TO PETITION FOR LEAVE TO APPEAL

STEPHEN R. PATTON
Corporation Counsel
of the City of Chicago
30 North LaSalle Street, Suite 800
Chicago, Illinois 60602
(312) 744-0746

BENNA RUTH SOLOMON
Deputy Corporation Counsel
MYRIAM ZRECZNY KASPER
Chief Assistant Corporation Counsel
KERRIE MALONEY LAYTIN
Assistant Corporation Counsel
Of Counsel

FILED
JUL 16 2013
SUPREME COURT
CLERK

RESPONSE TO POINTS RELIED UPON IN SEEKING REVIEW

Petitioners Elizabeth Keating, et al. ("petitioners"), present no issue arising from the appellate court's non-precedential order worthy of this court's attention. The appellate court held that the City of Chicago could enforce its red light camera ordinance against petitioners under a 2006 state statute that authorized eight Illinois counties and their municipalities to enact red light camera ordinances and to adjudicate the resulting tickets through administrative proceedings ("the enabling act"). All of the red light camera tickets the petitioners received were issued following this express state authorization in 2006. Although the appellate court did not need to address the City's home-rule authority for its red light camera ordinance for the period from 2003 to 2006 – no petitioner had standing to raise that issue, because none had complained about a ticket from that period – the court additionally ruled that the City had this authority.

Petitioners' petition for leave to appeal ("PLA") focuses mainly on challenging the appellate court's ruling on the City's 2003-06 home-rule authority, sounding ominous warnings regarding the ruling's supposed effect on the uniformity of statewide enforcement of the Illinois Vehicle Code. Glaringly absent is any explanation how dicta from a Rule 23 order regarding the City's home-rule authority for the pre-2006 version of an ordinance that was never even applied to petitioners in the first place (because all of their tickets followed the 2006 enabling act), and will never again affect anyone,

could present a question worthy of this court's judicial resources – or, indeed, how dicta from a non-precedential order could create any disruption in the uniformity of state law, especially where state law now expressly authorizes the exact administrative enforcement procedures that petitioners challenge.

Petitioners also challenge the appellate court's holding that the enabling act survives scrutiny under the Illinois Constitution's prohibition of "special or local" legislation, inaccurately claiming that what test applies to challenges under that provision presents an issue of first impression. To the contrary, the appellate court correctly applied a long line of this court's cases in reaching its conclusion that the General Assembly had a rational basis for enacting the enabling act. Moreover, there is no conflict between that ruling and this court's decisions in In re Belmont Fire Protection District, 111 Ill. 2d 373 (1986), and In re Village of Vernon Hills, 168 Ill. 2d 117 (1995). Both of those cases addressed different legislation than at issue here and applied the exact same rational basis test applied by the lower courts here.

This court should deny the PLA.

STATEMENT OF FACTS

In 2003, the City enacted an ordinance that imposes a fine on the owner of a vehicle that is caught on camera violating a red light signal. PLA Appendix 2 ("App."); Municipal Code of Chicago, Ill. §§ 9-102-010 to 9-102-

070 (2011).[1] The vehicle owner incurs liability no matter who is driving the vehicle, unless the driver receives a traffic citation for the red light violation. App. 2-3 ¶ 2; Municipal Code of Chicago, Ill. § 9-102-40(1).[2] The ordinance provided that liability for red light camera violations "shall supplement enforcement of traffic regulations provided by . . . the Illinois Motor Vehicle Code and shall not replace or substitute for enforcement" of that Code. Municipal Code of Chicago, Ill. § 9-102-070.[3]

The enabling act became effective in 2006, expressly authorizing eight Illinois counties – Cook, DuPage, Kane, Lake, Madison, McHenry, St. Clair, and Will – and the municipalities located in those counties to adopt red light camera programs imposing liability on the registered owners of vehicles used in red light signal violations. App. 3 ¶ 3; 625 ILCS 5/11-208(f), 5/11-208.6(m)

---

[1] In 2012, the City Council amended the Chicago Municipal Code to move the provisions of chapter 9-102 pertaining to the adjudication of red light camera violations in administrative proceedings into the chapter of the Code governing administrative adjudications, chapter 9-100. See Journal of Proceedings of the City Council of Chicago, Ill. Apr. 18, 2012, p. 23762 §§ 4-5. There were no significant substantive changes as a result of these alterations. Because the former version of chapter 9-102 was in effect up to and including the time petitioners received their red light camera tickets, we will cite to that version.

[2] This defense is now found in Municipal Code of Chicago, Ill. § 9-100-060(b)(2)(i) (2013).

[3] The ordinance now provides, in Municipal Code of Chicago, Ill. § 9-102-020(f) (2013), that red light camera violations are subject to a provision of the enabling act that permits civil penalties for red light camera violations "[u]nless the driver of the motor vehicle received a Uniform Traffic Citation," 625 ILCS 5/11-208.6(j) (2010).

(2010). The enabling act also expressly permits administrative adjudication of red light camera violations, see 625 ILCS 5/11-208.3(a) (2010), and states that a red light camera violation "is not a violation of a traffic regulation governing the movement of vehicles and may not be recorded on the driving record of the owner of the vehicle," id. 5/11-208.6(j).

Petitioners are registered vehicle owners who received red light violation citations from the City in 2006 or later and filed suit challenging the City's 2003 home-rule authority for enacting the red light camera ordinance, in addition to the constitutionality of the 2006 enabling act. App. 3-4 ¶¶ 4-5. The circuit court granted the City's motion to dismiss, holding that petitioners did not have standing to challenge the City's 2003 home-rule authority to enact the ordinance – precisely because all petitioners' tickets were issued after the 2006 enabling act – and additionally holding that the enabling act is constitutional. App. 4 ¶ 6.

The appellate court affirmed in an unpublished order. App. 1-34. The court rejected petitioners' claim that the City lacked home-rule authority to enact the ordinance in 2003, recognizing that the General Assembly had not preempted the City's home-rule authority to enact the ordinance or enforce it through administrative proceedings. App. 8-17. The court further held that the enabling act passed scrutiny under the Illinois Constitution's prohibition of special or local legislation because there was a rational basis for the General Assembly to conclude that the selected counties and their

municipalities suffer a disproportionate impact from red light violations due to their populations and traffic conditions. App. 18-22. The court additionally held that petitioners had waived, by failing to present to the circuit court, the argument that the enabling act, even if constitutional, could not authorize the City's red light camera ordinance because the City did not formally reenact the ordinance after the enabling act was enacted. App. 7-8 ¶ 20.

The appellate court rejected petitioners' petition for rehearing, App. 35, and petitioners' PLA followed.

ARGUMENT

Petitioners present no issue warranting this court's attention. The City's home-rule authority to enact its red light camera ordinance in 2003 is an entirely academic subject because, in 2006, the General Assembly expressly authorized Chicago, among other local governments, to enact red light camera ordinances, and all of petitioners' tickets followed this authorization. For this reason, petitioners lack standing to challenge the ordinance for the period before the enabling act. Regardless, the appellate court's decision regarding the City's 2003-06 home-rule authority cannot possibly create confusion or conflict now that the General Assembly has expressly authorized both the enactment of red light camera programs and the administrative enforcement of red light camera tickets. Moreover, the court applied settled law and correctly held that the enabling act is

constitutional because there is a rational basis for concluding that harm from red light violations disproportionately affects the jurisdictions authorized to adopt red light camera programs, given their population, traffic conditions, and location near large cities. The appellate court's decision does not conflict with any other decision, presents no question of general importance, and is non-precedential in any event. The PLA should be denied.

I. DICTA IN THE APPELLATE COURT'S RULE 23 ORDER CONCERNING THE CITY'S HOME-RULE AUTHORITY TO ENACT ITS RED LIGHT CAMERA ORDINANCE BEFORE THE GENERAL ASSEMBLY'S EXPRESS AUTHORIZATION IN 2006 IS NOT APPROPRIATE FOR THIS COURT'S REVIEW.

Petitioners contend that the appellate court's ruling that the City had home-rule authority in 2003 for its red light camera ordinance will undermine the uniformity of statewide enforcement of the Vehicle Code because that ruling supposedly allows home-rule units to enact divergent enforcement schemes in violation of the General Assembly's command. See PLA 6-9. This makes no sense. The appellate court's non-precedential decision on the City's 2003-06 home-rule authority will have no impact whatsoever on the law as it exists today or in the future. But, at the outset, petitioners lack standing to raise their challenge to the City's 2003-06 home-rule authority. Standing is, of course, the first requirement of any declaratory judgment action, and it requires the plaintiff to suffer an injury in fact to an interest that is legally cognizable. See, e.g., Flynn v. Ryan, 199 Ill. 2d 430, 436 (2002). Standing to challenge legislation requires that the

plaintiff "must have sustained, or be in immediate danger of sustaining, a direct injury as a result of enforcement of the challenged statute." Messenger v. Edgar, 157 Ill. 2d 162, 171 (1993); accord, e.g., Flynn, 199 Ill. 2d at 437. "[O]therwise the challenge requests an advisory opinion." In re M.I., 2011 IL App (1st) 100865 ¶ 58. Here, petitioners were not harmed by the City's exercise of its home-rule authority because they did not receive tickets between 2003 and 2006 before the General Assembly expressly authorized the City's red light camera program. Thus, their challenge to the City's 2003-06 authority is nothing more than a request for an advisory opinion. The circuit court correctly held that petitioners lack standing. App. 4 ¶ 6. The appellate court did not agree, App. 7 ¶ 17, but that presents no bar to this court's consideration of the issue. Every court has an obligation to assess its own jurisdiction, see, e.g., Zurich Insurance Co. v. Baxter International, Inc., 275 Ill. App. 3d 30, 38 (2d Dist. 1995), and lack of standing deprives the court of a justiciable matter, which, in turn, deprives the court of authority to proceed, see, e.g., Ferguson v. Patton, 2013 IL 112488 ¶¶ 21-23.

Beyond that glaring defect, the City's red light camera ordinance presents no threat to the uniformity of enforcement of the Vehicle Code, contrary to petitioners' claim, see PLA 8. As we have explained, in 2006, the General Assembly expressly authorized eight counties and the municipalities within them, including Chicago, to enact red light camera ordinances and to enforce those ordinances in administrative proceedings. The General

Assembly would not have done so if it thought that such programs would jeopardize Vehicle Code enforcement. Indeed, in allowing administrative enforcement of red light camera violations, the General Assembly made clear that these violations are not the kind of offense that state law bars from adjudication in administrative proceedings. The enabling act specifically provides that a red light camera violation "is not a violation of a traffic regulation governing the movement of vehicles." 625 ILCS 5/11-208.6(j). As such, the bar on certain administrative adjudications found in 65 ILCS 5/1-2.1-2 (2010) does not apply. No more is required to show that enforcing red light camera violations in administrative proceedings presents no problem for the uniformity of statewide enforcement of the Vehicle Code, and thus there is no need for this court to assess whether the appellate court correctly held that the 2003-06 version of the City's ordinance did not, in fact, undermine the level of uniformity the General Assembly believes is necessary.

Even leaving the enabling act aside, the appellate court correctly concluded that the City had home-rule authority in 2003-06 for its red light camera program. The court properly noted the City's broad home-rule powers and amply explained the well-settled principle that the City's constitutional home-rule authority is not preempted unless the General Assembly does so expressly. App. 9-11 ¶¶ 26-30. The court also correctly recognized that there is not now, nor was there before 2006, any provision of state law that preempts the City's home-rule authority for its red light

camera program. App. 11-15 ¶¶ 31-41. The Vehicle Code prohibits only inconsistent local provisions; it does not preempt the field of traffic regulation. App. 11-12 ¶¶ 31-32.

In this court, petitioners rely on the same provisions of the Vehicle Code – sections 5/11-207, 5/11-208.1, and 5/11-208.2, see PLA 7-8 – that the appellate court correctly recognized were not preemptive. Those provisions prohibit only ordinances "in conflict with" the Vehicle Code, 625 ILCS 5/11-207 (2010), or ordinances "inconsistent herewith," id. 5/11-208.2, and state only that the rules of the road shall be "applicable and uniformly applied and enforced throughout this State," id. 5/11-208.1. But the prohibition on red light signal violations by the driver of a vehicle operates exactly the same way in Chicago as it does in every other part of Illinois. The City's red light camera program is different: It provides for a ticket to a vehicle owner when that vehicle is caught by camera in red light signal violations. There is no conflict or inconsistency with the Vehicle Code's penalty for drivers who violate red light signals, nor does the Vehicle Code contain an offense for the vehicle owner. Indeed, the ordinance itself does not even apply when the City enforces the Vehicle Code's prohibition on red light signal violations against the driver, as we have explained, and the City enforces the prohibition on red light signal violations against drivers in exactly the same way that it is enforced in every other part of the State – through uniform citations adjudicated in circuit court. The appellate court correctly

recognized that the provisions petitioners rely on do not contain the necessary language to preempt the City's home-rule authority for red light cameras – in stark contrast to the language of preemption used by the General Assembly in other provisions of the Code, including 625 ILCS 5/11-208.6(c) (2010) ("This . . . is a denial and limitation of home rule powers and functions . . . ."). App. 14 ¶ 37. There is no reason for this court to revisit this obviously correct conclusion.

Petitioners also claim preemption under the prohibition on administrative adjudication of certain traffic regulations governing the movement of vehicles. See PLA 8. That provision bars the administrative adjudication of "any offense under the Illinois Vehicle Code or a similar offense that is a traffic regulation governing the movement of vehicles." 65 ILCS 5/1-2.1-2. By its terms, it does not apply to red light camera programs. Again, in the 2006 enabling act, the General Assembly expressly stated that a red light camera violation "is not a violation of a traffic regulation governing the movement of vehicles." 625 ILCS 5/11-208.6(j). There is no reason to believe that the nature of the offense under red light camera programs was any different between 2003 and 2006, before this explicit recognition in the enabling act. App. 14-15 ¶¶ 38-41. Indeed, it was not. The red light camera violation is, and was, directed at vehicle owners, not drivers, and the offense thus governs the ownership of the vehicle, not the vehicle's movement. The regulation is directed to owners who grant

permission to drivers who, in turn, use the vehicle to commit an illegal act. And as we have explained, the owner cannot receive a red light ticket if the vehicle's driver receives a traffic citation. Moreover, the offense is not the type of offense reportable to the Secretary of State, no doubt because it is not the driver's offense.[4] There is no reason for the court to reconsider the appellate court's ruling on this subject, either.

There is also no reason for this court to review the appellate court's decision concerning what petitioners incorrectly believe to be a conflict in the appellate court's case law. See PLA 9-11. None of the decisions petitioners rely on examined red light camera ordinances. These decisions accordingly cannot "conflict" with the decision here – whether an ordinance is preempted is specific only to the ordinance at issue because preemption must be expressly stated. In addition, petitioners never raised the supposed conflict with Village of Mundelein v. Franco, 317 Ill. App. 3d 512 (2d Dist. 2000), in the appellate court – not in either of their briefs or even in their petition for rehearing. Moreover, in that case, the court held that the very provisions petitioners rely on here for preemption did not preempt the local ordinances at issue where those ordinances did not conflict with any provision in chapter 11 of the Vehicle Code. See id. at 514, 522-23. The appellate court reached that same result here, where, as we have explained, there is no conflict with

---

[4] Indeed, the enabling act expressly provides that red light camera violations "may not be recorded on the driving record of the owner of the vehicle." 625 ILCS 5/11-208.6(j).

any provision found in chapter 11.

The appellate court also correctly rejected petitioners' claimed conflict with People ex rel. Ryan v. Village of Hanover Park, 311 Ill. App. 3d 515 (1st Dist. 1999), and Catom Trucking, Inc. v. City of Chicago, 2011 IL App (1st) 101146. App. 16 ¶ 42. Hanover Park held that municipalities may not enforce chapter 11 of the Vehicle Code against drivers through administrative proceedings. See 311 Ill. App. 3d at 524. But again, the City's enforcement of its red light camera ordinance does not enforce chapter 11 – there is no provision there penalizing a vehicle owner for a red light violation by the driver of the vehicle, and a red light camera ticket cannot be issued if the driver receives a uniform citation.[5] And Catom Trucking pertained to ordinances creating liability for the operation of overweight vehicles on City streets, and the court's conclusion that administrative adjudication of these regulations was preempted, see 2011 IL App (1st) 101146 ¶¶ 13-14, 18, cannot conflict with the appellate court's ruling here regarding an entirely different ordinance.

---

[5] This explains why the 1992 attorney general opinion petitioners rely on, see PLA 9-10, has no relevance here – the City did not create an alternative enforcement system for the driver's red light signal violation. Instead, it created an entirely new offense that does not even apply when the driver has been ticketed. Moreover, petitioners' feigned concern that "alternative enforcement schemes" with no requirement to report to the Secretary of State somehow reduce the Secretary's "ability to keep dangerous drivers off the streets, and the safety of the public roads," id. at 10; see also id. at 2, should ring completely hollow in light of the aim of their lawsuit – to eliminate the City's red light camera program, which is an effort to increase compliance with red light signals, thereby improving public safety.

Finally, any claim that this court's intervention is needed is exceedingly weak in any event. The appellate court's discussion of the City's home-rule authority in 2003-06 cannot have relevance in any future case because, since 2006, the legislature has expressly authorized the City's red light camera program, as we have explained. And the appellate court's Rule 23 order cannot be relied on as authority in any future case to create a conflict, or otherwise.

II. THE APPELLATE COURT'S NON-PRECEDENTIAL DECISION ON THE CONSTITUTIONALITY OF THE ENABLING ACT IS NOT APPROPRIATE FOR THIS COURT'S REVIEW.

The appellate court correctly held that the enabling act does not violate the Illinois Constitution's prohibition of special and local legislation. App. 18-22. A long line of this court's cases explains that the correct test to apply to challenges under this provision is the rational basis test, which is exceedingly deferential. See, e.g., Vernon Hills, 168 Ill. 2d at 122-23; Cutinello v. Whitley, 161 Ill. 2d 409, 417-18 (1994); Chicago National League Ball Club, Inc. v. Thompson, 108 Ill. 2d 357, 368-69 (1985). Indeed, so long as the court can conceive of any set of facts to support the classification, the law must be upheld. See, e.g., Cutinello, 161 Ill. 2d at 418; Chicago National League Ball Club, 108 Ill. 2d at 368-69. There is no requirement that the legislative classification be mathematically precise or that the legislature address the entirety of a problem at once. See, e.g., Cutinello, 161 Ill. 2d at 421-22; Chicago National League Ball Club, 108 Ill. 2d at 371-72.

In this case, the enabling act is amply supported by a rational basis. The act applies to eight of the nine most populous counties in the State and the municipalities located in those counties – all of which immediately surround the two largest cities in the region, Chicago and St. Louis. These counties and municipalities are closely spaced, many with contiguous borders, and there are multiple highly-traveled roads leading through them. It was quite rational for the General Assembly to conclude that the combination of large populations, closely-spaced municipalities, and numerous well-traveled roads leading toward two major urban centers results in high traffic volume in these locations, and that this, in turn, disproportionately inflicts the evils of red light violations on these counties and their municipalities. The appellate court applied the rational basis test in a straightforward manner and reached the correct conclusion that differences in population and traffic warrant the legislative classification. App. 21-22.

Petitioners supply no reason for this court to reconsider that ruling. They claim that no law that applies only to certain named localities can be constitutional under the constitution's special and local legislation provision. See PLA 15-16. But, in fact, this court has soundly rejected that position. This court has recognized time and again – including in a case petitioners themselves rely on, Vernon Hills, see id. at 18-19 – that an "act is not an unconstitutional special or local law merely because of a legislative

classification based upon population or territorial differences." 168 Ill. 2d at 122 (emphasis added). Thus, legislation that singles out certain local governments based on their location does not, for that reason alone, violate the constitution; laws can pass muster even if they operate only in one particular portion of the State. As we have explained, it is settled that the General Assembly can "enact laws applicable only to [particular] persons or objects" so long as "any set of facts can be reasonably conceived that justifies distinguishing the class to which the statute applies from the class to which the statute is inapplicable." Id.

Petitioners claim that the test for the constitutionality of "local" legislation, such as the enabling act, should not be whether there is a rational basis for the classification, but instead should be whether the law could have been made general. See PLA 12, 15-18. They also think that the test for "local" laws should be different from the test for "special" laws. See id. at 3. But this court has already held on numerous occasions that the rational basis test is the appropriate test to review legislation claimed to be improperly special or local, see, e.g., Cutinello, 161 Ill. 2d at 417-22, as petitioners themselves concede, see PLA 17-18. In Cutinello, the challenged legislation pertained only to DuPage, McHenry, and Kane Counties, but this court held that legislation is not invalid "simply because it operates in only one part of the State." 161 Ill. 2d at 419. Indeed, even the dissent, which petitioners rely on, see PLA 17-18, agreed with the majority on this point.

See 161 Ill. 2d at 429 (Freeman, J., dissenting). Nor did the dissent think there should have been a different test applied because the legislation was supposedly "local," as opposed to "special." Instead, according to the dissent, under the correct test, "[f]or a statutory classification to be valid, the classification must be based upon a rational difference of situation or condition found to exist in the persons or objects upon which the classification rests." Id. at 427. To be sure, the dissent thought the majority had misapplied that test because the legislation, in the dissent's view, was based on an arbitrary distinction, see id. at 427-33, but the dissent did not complain that the majority should have applied a different test altogether.

Petitioners offer no reason, other than their own preferences, why they believe rational basis deference is inappropriate for the General Assembly's choice whether to enact a statewide rule or instead limit the applicability of a law to certain geographic regions. And the constitution's language does not speak to this. Merely authorizing judicial determination whether a law can be made generally applicable, see Ill. Const. art. IV, § 13, says nothing about what level of scrutiny applies to the legislative choice on a particular subject. The rational basis test comports with the deference the judiciary owes to the enactments of a co-equal branch of government when no fundamental right or suspect classification is at stake. See, e.g., Cutinello, 161 Ill. 2d at 417; Chicago National League Ball Club, 108 Ill. 2d at 368. That test should apply to petitioners' claim that the 2006 enabling act is impermissibly "local."

Next, petitioners argue that the appellate court's decision conflicts with this court's decisions in Vernon Hills and Belmont. See PLA 18-20. In those cases, the challenged statutes permitted counties with certain populations, but not other counties, to authorize any municipality in their borders served by more than one fire protection district to consolidate into a single fire protection district. See Vernon Hills, 168 Ill. 2d at 120-21 (counties between 500,000 and 750,000, which at the time included only Lake County); Belmont, 111 Ill. 2d at 376, 381 (counties between 600,000 and 1,000,000, which at the time included only DuPage County). This court in both cases struck down the laws, concluding that the General Assembly lacked a rational basis to afford municipalities the ability to consolidate into a single fire protection district based on the population of the county in which they were located and that the particular population of the selected counties bore no rational relationship to the legislative purpose of eliminating overlapping fire protection districts because the harm did not vary between municipalities within and without the specified counties. See Vernon Hills, 168 Ill. 2d at 125-30; Belmont, 111 Ill. 2d at 381-86.

Petitioners seem to believe that these cases prohibit the General Assembly from creating classifications that pertain to municipalities by naming the counties in which the municipalities are located. See PLA 18-19. That is not correct. In Vernon Hills and Belmont, the aim of the legislation – to allow consolidation of fire protection districts – was no different depending

on the county in which the municipality was located or on the size of that county. In other words, the municipalities' location in particular counties should have made no difference. Here, by contrast, it does. It is rational to distinguish the selected counties and municipalities from other counties and municipalities based on population, municipal density, number of roads, and proximity to Chicago and St. Louis. All of these features – alone or in combination – make the amount of vehicular traffic these locations experience different from other parts of the State. That, in turn, gives rise to a rational relationship between the legislative goal and the selected locations because it is rational to believe that these characteristics render them more likely to suffer from the harm of red light violations compared to other locations in the State. In other words, the particular geographic location and population of the selected counties and municipalities render them distinct from others located elsewhere, even though other locations might also have red light problems, and even though the population of certain other municipalities, standing alone, is not different.

Petitioners, in any event, ignore that even the Vernon Hills court acknowledged, in distinguishing Cutinello and other cases upholding county-based legislative classifications, that a "rational difference of situation" is all that is required "because classifications need not be drawn with mathematical precision and . . . may address degrees of evil." 168 Ill. 2d at 128. Plainly, review is not warranted to address Vernon Hills or Belmont.

* * * *

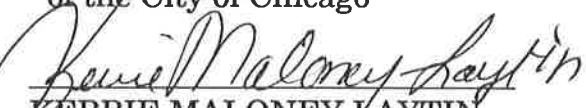
In short, there is no need for the court to accept review of the appellate court's decision in this case. The court's ruling on the City's home-rule authority, although entirely correct, was dicta on a prior version of an ordinance that petitioners lack standing to challenge and that will never be applied to anyone prospectively. And the appellate court correctly applied this court's well-settled precedents to conclude that there was a rational basis for the enabling act. There is no reason for this court to revisit this conclusion.

CONCLUSION

For these reasons, the petition for leave to appeal should be denied.

Respectfully submitted,

STEPHEN R. PATTON
Corporation Counsel
of the City of Chicago

BY: 
KERRIE MALONEY LAYTIN
Assistant Corporation Counsel
30 North LaSalle Street, Suite 800
Chicago, Illinois 60602
(312) 744-0746

CERTIFICATE OF COMPLIANCE

I certify that this answer to the petition for leave to appeal conforms to the requirements of Rule 315(d) and Rules 341(a) and (b). The length of this answer, excluding the pages containing the Rule 341(d) cover, the Rule 341(h)(1) statement of points and authorities, the Rule 341(c) certificate of compliance, the certificate of service, and those matters to be appended to the brief under Rule 342(a), is 19 pages.

Kerrie Maloney Laytin

KERRIE MALONEY LAYTIN, Attorney

CERTIFICATE OF FILING

I certify that I filed the Answer to Petition for Leave to Appeal by placing the original and 19 copies in an envelope with sufficient postage affixed and directed to the person named below, at the address indicated, and depositing that envelope in the United States mail on July 16, 2013.

Kerrie Maloney Laytin

KERRIE MALONEY LAYTIN, Attorney

Ms. Carolyn Taft Grosboll
Supreme Court Clerk
Supreme Court Building
200 East Capitol Avenue
Springfield, Illinois 62701-1621

CERTIFICATE OF SERVICE

I certify that I served the Answer to Petition for Leave to Appeal by placing three copies in envelopes with sufficient postage affixed and directed

to the persons named below, at the addresses indicated, and depositing the envelopes in a United States mail box in Chicago, Illinois, before 5:00 p.m., on July 16, 2013.

KERRIE MALONEY LAYTIN, Attorney

Persons served:

Derek Y. Brandt
Patrick J. Keating
Simmons Browder Gianaris
Angelides & Barnerd LLC
230 W. Monroe Street, Suite 2221
Chicago, IL 60606

Andrea Bernstein
Hanly Conroy Bierstein
Sheridan Fisher & Hayes LLP
112 Madison Avenue
New York, NY 10016