

Rule 578. Burden of Proof

The prosecuting entity must prove the ordinance violation by a preponderance of the evidence; meaning it is more likely true than not that the violation occurred.

Adopted December 7, 2011, effective immediately.

Committee Comment

(December 7, 2011)

This rule restates case law which holds that the burden of proof in ordinance violation cases is the civil law standard of preponderance of the evidence rather than the criminal standard of beyond a reasonable doubt. *City of Mattoon v. Mentzer*, 282 Ill. App. 3d 628, 634 (4th Dist. 1996) (citing *Chicago v. Joyce*, 38 Ill. 2d 368, 373 (1967)).