

Rule 579. Disposition and Appeal

(a) Sentence. The court shall determine the amount of any fine for an ordinance violation to which these rules apply, except that any fine imposed shall not be less than the “minimum fine” authorized by ordinance. Court costs shall be imposed.

(b) Additional Conditions. In addition to any fine imposed, the court may impose a sentence including restitution, or other appropriate penalties or conditions authorized by ordinance. A sentence of conditional discharge or court supervision disposition shall be permitted by ordinance.

(c) Dispositional Considerations. The court may consider evidence and information may be offered by the parties in consideration for the penalties and/or conditions sought.

(d) Appealability. Either party shall have the right to appeal any final judgment entered in an ordinance violation case pursuant to Rule 303, “Appeals from Final Judgments of the Circuit Court in Civil Cases.”

Adopted December 7, 2011, effective immediately.

Committee Comment

(December 7, 2011)

(a) In accordance with typical situations in which a range of penalties is authorized by statute, the court in *City of Chicago v. Roman*, 184 Ill. 2d 504, 511 (1998), held that the fine may not be less than the statutory minimum.

(b) Under the holding in *City of Highland Park v. Curtis*, 83 Ill. App. 2d 218, 229 (2d Dist. 1967), the court should be permitted to impose restitution. Other dispositions must be provided for by ordinance. *Village of Wheeling v. Evanger’s Dog and Cat Food Co., Inc.*, 399 Ill. App. 3d 304 (1st Dist. 2010).

(c) Statutory authorization for imposition of court supervision is found in the Illinois Municipal Code (65 ILCS 5/1-1-1 *et seq.*). *Village of Wheeling v. Evanger’s Dog and Cat Food Co., Inc.*, 399 Ill. App. 3d 304, 307 (1st Dist. 2010).

(d) Because ordinance violation prosecutions are “quasi-criminal in character, but civil in form,” municipalities may properly appeal from a judgment in favor of a defendant. Neither double jeopardy nor Supreme Court Rule 604 bars such an appeal. *Village of Riverdale v. Irwin*, 259 Ill. App. 3d 1008, 1009 (1st Dist. 1994); *Village of Park Forest v. Bragg*, 38 Ill. 2d 225, 227 (1967).