

Rule 571. Code of Civil Procedure to Apply

Except as specifically stated herein or in existing statutes, the Code of Civil Procedure shall apply in all ordinance prosecutions to which these rules apply.

Adopted December 7, 2011, effective immediately.

Committee Comment

(December 7, 2011)

This rule builds on the holdings of both *City of Danville vs. Hartshorn*, 53 Ill. 2d 399 (1973) and *Village of Park Forest v. Walker*, 64 Ill. 2d 286 (1976), in which the Supreme Court held that the Civil Practice Act applied to ordinance violations where the penalty is a fine only. Persons charged with violating municipal ordinances have a right to trial by jury if a written jury demand along with the jury fee is filed and paid at the time of first appearance under provisions of section 2-1105 of the Code of Civil Procedure. But under Supreme Court Rule 201(h), discovery in ordinance prosecution cases where the penalty is a fine only, is allowed only by leave of court. Before and after the *Hartshorn* decision, courts have struggled to decide what portions of the Code of Civil Procedure apply to ordinance violation prosecutions. It is the intent of Rule 571 to clarify that the Code of Civil Procedure applies to all ordinance violation proceedings under Rules 570 through 579, except as otherwise provided by Supreme Court Rules such as Rule 201(h).