

## **Rule 575. Appearance of Defendant, Answer; Failure to Appear; Discovery and Pretrial Procedures**

(a) A defendant responding to a charging document for an ordinance violation may appear and enter a plea, file an answer to the charge, or file other responsive pleadings. A Not Guilty plea will be construed as a general denial. The defendant need not file a written answer unless ordered to do so by the Court.

(b) In the event the defendant fails to appear at any proceeding for which the Court has not excused the defendant's appearance, an arrest warrant may issue, or default judgment may be entered. If such judgment is entered, the defendant shall be mailed written notice to the defendant's last known address of: (1) the amount of the judgment, (2) if applicable, the date by which such judgment must be paid, and (3) that a motion to vacate judgment must be filed within 30 days of the date of the mailing of the written notice. "Defendant's last known address" shall be presumed to be the address provided by the defendant himself or herself upon actual delivery of the charging document.

(c) A party may make a motion for summary judgment prior to any trial on the merits.

(d) In prosecutions for violations of ordinances, no discovery procedures shall be allowed prior to trial except by leave of court.

[Adopted December 7, 2011, effective immediately.](#)

### Committee Comment

(December 7, 2011)

(a) The purpose of this section is to provide for a simple process for those who appear to answer a charge and also in determining the effect of a failure to appear for an ordinance violation charge. Supreme Court Rule 286(a) provides for a general denial in small claims cases and this rule provides a similar procedure for ordinance violations. Supreme Court Rule 556(a) permits the entry of default judgment in traffic cases. This rule provides a similar procedure for ordinance violations.

(b) This section provides for procedures to follow in the event of a Defendant's failure to appear at any proceeding for which the Court has not previously excused the appearance.

(c) *Village of Beckmeyer v. Wheelan*, 212 Ill. App. 3d 287 (5th Dist. 1991), provides for summary judgment motions in ordinance violation cases.

(d) Supreme Court Rule 201(h) provides: "In suits for violation of municipal ordinances where the penalty is a fine only no discovery procedure shall be used prior to trial except by leave of court. This rule extends the application of the rule to cases in which penalties may include public service work and restitution in addition to fines."