

**ORDINANCE NO. 2022-R-13**

**DEKALB COUNTY CODE SECTION 9-2-2**

**DEKALB COUNTY COMMISSIONERS**

**AN ORDINANCE PROVIDING FOR LICENSE FEES FOR HORSE DRAWN  
VEHICLES AND HORSE DRAWN TRAILERS AND PROVIDING PENALTIES FOR  
VIOLATIONS THEREOF**

WHEREAS, on November 7, 1983, the DeKalb County Board of Commissioners and DeKalb County Council adopted Ordinance 83-5 providing for license fee and service charge for horse drawn vehicles and horse drawn trailers, and providing penalties for late payment or non-payment; and

WHEREAS, the DeKalb County Commissioners rescinded Ordinance 83-5 at a prior meeting this year without enacting a replacement Ordinance; and

WHEREAS, regular County Highway use of horse drawn vehicles and horse drawn trailers have increased administrative costs for repair to said County Highways caused by road damage caused by horse drawn vehicles and horse drawn trailers; and

WHEREAS, the DeKalb County Board of Commissioners has determined that there exists a need to enact a license fee for horse drawn vehicles and horse drawn trailers to \$200.00 per horse drawn vehicle and/or trailer, along with additional considerations.

**NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE DEKALB COUNTY COMMISSIONERS OF DEKALB COUNTY, INDIANA, THAT:**

**SECTION I**

1. This Ordinance is enacted pursuant to Title 36, Indiana Code.
2. Definitions
  - A. As used in this Ordinance, "Horse Drawn Vehicle" means a buggy, carriage, dray, or wagon designed or intended to use one or more horses as motive power. The term does not include horse drawn agricultural implements.
  - B. As used in this Ordinance, "Horse Drawn Trailer" means a wagon or trailer, which itself is pulled behind or attached as a supplemental vehicle to a horse drawn vehicle. The term does not include horse drawn agricultural implements.
  - C. As used in this Ordinance, the "Owner" of a horse drawn vehicle includes any individual, firm, corporation, or association that rents, leases, or has



exclusive use of a horse drawn vehicle for a period of at least 30 days in any calendar year.

- D. As used in this Ordinance, "Resident of DeKalb County, Indiana" means a person who has his or her or their principal place of residence in DeKalb County, Indiana, or who owns or operates a business within DeKalb County, Indiana.
- E. As used in this Ordinance, lighting means "Lighting visible from the front and rear of the vehicle"

3. Form of License. The Auditor of DeKalb County shall be responsible to make available for sale in DeKalb County all numbered metallic tags and all self-adhesive label tags required by this Ordinance. The form of the metallic tags shall be with a color scheme providing for a white or light background and black or dark numerals and legends, bearing the legend "DeKalb County Indiana," the year of issue, and a consecutive number. The Auditor shall change the coloring scheme each year of the self-adhesive label tags.

4. Annual Fee-Horse Drawn Vehicles and Horse Drawn Trailers. There is hereby imposed upon each resident of DeKalb County, Indiana, who is the owner of one or more horse drawn vehicles (including trailers), which horse drawn vehicle or vehicles or trailers are used upon the highways or roads in DeKalb County, Indiana, an annual license fee in the amount of Two Hundred Dollars (\$200.00). Said annual license fee of \$200.00 shall apply to each horse drawn vehicle and each horse drawn trailer thereof.

Each DeKalb County resident who owns a horse drawn vehicle used upon the highways or roads of DeKalb County, Indiana, shall pay the license fee attributable to such horse drawn vehicle or vehicles as set forth by this Ordinance to the DeKalb County Auditor, or other authorized designee of the Auditor. Such required license fee or fees required under this Ordinance shall be paid on an annual basis. Upon payment of such license fee, such owner of a horse drawn vehicle or trailer shall receive from the DeKalb County Auditor, or other authorized designee of the Auditor, a numbered metallic tag. With respect to subsequent renewal years for a horse drawn vehicle or trailer previously licensed under this Ordinance, the owner of a horse drawn vehicle or trailer may receive from the DeKalb County Auditor, or other authorized designee of the Auditor, a self-adhesive label tag bearing the year of issue. The owner shall thereafter affix the numbered metallic tag to such horse drawn vehicle or trailer (by use of screws or nails through the holes provided in the metallic tag and into the horse drawn vehicle or trailer, with no covering, opaque or otherwise) and keep and preserve said metallic tag on said vehicle or trailer so long as said metallic tag is effective and has not expired. With respect to subsequent renewal years for a horse drawn vehicle or trailer previously licensed under this Ordinance for which a self-adhesive label tag was furnished by the DeKalb County Auditor, or other authorized designee of the Auditor, the owner shall thereafter affix the self-adhesive label tag to the existing numbered metallic tag.

Each numbered metallic tag shall be valid annually on a calendar year basis and must be renewed for the coming year before the last business day of that year; provided, however, the expiration date shall be extended an additional year for a horse drawn vehicle or trailer properly licensed under this Ordinance for which a self-adhesive label tag was furnished by the DeKalb County Auditor, or other authorized designee of the Auditor, and which is affixed to the metallic tag. Only one (1) metallic tag provided by this Ordinance may be attached to any horse drawn vehicle or trailer at any time.

At time of collection of the annual license fee, and the issuance of the number of metallic tags or self-adhesive label tags for subsequent renewal years earlier described, the DeKalb County Auditor, or other authorized designee of the Auditor, shall also issue a registration receipt for each numbered metallic tag or self-adhesive label tag so purchased. The registration receipt shall be countersigned by the owner of the horse-drawn vehicle or trailer. The registration receipt shall be carried in or on the horse drawn vehicle or trailer at all times of operation upon highways or roads of DeKalb County, Indiana.

5. Late Fees and Replacement Fees. A late fee of Two Hundred Dollars (\$200.00) shall be imposed on any person registering for a horse drawn vehicle and/or horse drawn trailer license, which includes numbered metallic tags and self-adhesive label tags within ten (10) days of the new calendar year. In addition, in the event that a person registers to replace a horse drawn vehicle and/or horse drawn trailer license, then a replacement fee in the amount of Forty Dollars (\$40.00) shall be imposed for such replacement of each horse drawn license (metallic tag or self-adhesive label tags) replaced.

6. Partial Year License Fee Reduction. Any annual license fee set forth in this Ordinance that is obtained for the first time after January 1 of the then current year shall pay a fee for that month and for each of the remaining months in the calendar year for the remainder of that year.

7. Unlawful. It shall be unlawful for any person to use or operate a horse drawn vehicle and/or horse drawn trailer, the owner of which vehicle and/or trailer is a resident of DeKalb County, Indiana, upon a public highway or road in DeKalb County, Indiana unless the metallic tag required by this Ordinance is attached to the vehicle and/or trailer for which the license fee required has in fact been paid. It shall also be unlawful for any person to use or operate a horse drawn vehicle and/or a horse drawn trailer unless said vehicle and/or trailer has lighting visible in accordance with Indiana laws, rules, and regulations.

It shall be unlawful for any person to use or operate a horse drawn vehicle and/or horse drawn trailer, the owner of which vehicle and/or trailer is a resident of DeKalb County, Indiana, upon a public highway or road in DeKalb County, Indiana with an expired metallic tag required by this Ordinance.

It shall be unlawful for any person to transfer the numbered metallic tags required by this Ordinance from one horse drawn vehicle and/or horse drawn trailer to another horse drawn vehicle and/or trailer, or from one owner to another owner.

It shall be unlawful for any person to operate a horse drawn vehicle and/or horse drawn trailer, the owner of which vehicle and/or trailer is a resident of DeKalb County, Indiana, unless the registration receipt required by this Ordinance is in the possession of the operator or contained on or within the vehicle and/or trailer.

8. Non-residents. Nothing contained in this Ordinance shall levy a license fee on or require the registration of a horse drawn vehicle or a horse drawn trailer owned by a non-resident of DeKalb County, Indiana, even if such vehicle or trailer is from time to time used or operated upon the highways or roads of DeKalb County, Indiana.

9. Penalties. All provisions of this Ordinance, as herein amended and restated, have heretofore been in force and effect, and shall remain in force and effect for purposes of this Ordinance, and the violation of any such provisions shall constitute an ordinance violation and shall continue to be a Class C Infraction, as defined now or hereafter by Title 34 or Title 35 of the Indiana Code. For an offense for a horse drawn vehicle or horse drawn trailer, the fine is \$200.00, and \$200.00 for each subsequent offense. In addition, operation of a horse drawn vehicle or horse drawn trailer without proper lighting visible in accordance with Indiana Law, rules, and regulations shall constitute a Class C Infraction; and for such infraction by a horse drawn vehicle or horse drawn trailer shall be an additional fine of \$200.00 and \$200.00 for each subsequent offense.

10. Enforcement. It shall be the duty of the DeKalb County Sheriff's Department to enforce this Ordinance, and any duly qualified and acting law enforcement office serving in DeKalb County, Indiana may enforce the terms of this Ordinance. Procedures for arrest and court appearances shall be in accordance with I.C. §9-30-3, as amended. Proceedings for ordinance violation enforcement shall be in accordance with I.C. §34-28-5, as amended.

11. Delivery of Fees. The license fees collected by the DeKalb County Auditor, or other authorized designee of the Auditor, for horse drawn vehicles and/or horse drawn trailers, pursuant to the terms and conditions of this Ordinance shall be delivered to the DeKalb County Auditor for deposit. For each horse drawn vehicle or horse drawn trailer license fee collected, the DeKalb County Auditor shall deposit the Two Hundred Dollars (\$200.00) license fee in a special fund for road repairs or to be deposited in a County Highway fund established and maintained by the DeKalb County Auditor.

## SECTION II

The express or implied repeal or amendment by this Ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or procedures begun prior to the effective date of this Ordinance. Those rights,

liabilities and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this Ordinance had not been adopted.

### SECTION III

No part of this Ordinance shall be interpreted to conflict with any local, state, or federal laws, and all reasonable efforts should be made to harmonize same. Should any section or part thereof of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole, or any other portion thereof other than that portion so declared to be invalid, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

### SECTION IV

This Ordinance shall be effective for all metallic tags or self-adhesive tags issued with an effective date on or after January 1, 2023.

This DeKalb County Ordinance Number 2022-R-13 is passed and adopted on all three readings and shall be codified in the DeKalb County Code as Section 9-2-2, and appropriately indexed in the Code.

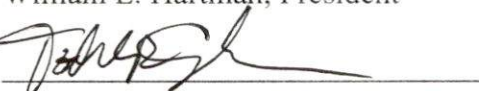
READ AND PASSED ON FIRST READING: Monday, December 5, 2022.

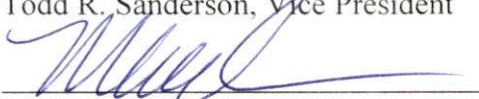
READ AND PASSED ON SECOND READING: Monday, December 12, 2022.

READ AND PASSED ON THIRD READING: Monday, December 12, 2022.

### **DEKALB COUNTY COMMISSIONERS:**

BY:   
William L. Hartman, President

BY:   
Todd R. Sanderson, Vice President

BY:   
Michael V. Watson, Vice President

Attested By:

  
Susan Sleeper, Auditor of DeKalb County