

ORDINANCE NO. 2010- 420

AN ORDINANCE FURTHER AMENDING AND RESTATEMENT OF
SECTION 8-17-15-1 OF THE ELKHART COUNTY CODE DEALING
WITH LICENSE FEES FOR HORSE DRAWN VEHICLES AND TRAILERS
AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF

WHEREAS the Board of Commissioners of the County of Elkhart, Indiana adopted “An Ordinance Providing for a License Fee for Horse Drawn Vehicles and Providing Penalties for Violations Thereof” on December 27, 1983 which Ordinance has been codified as Section 8-17-15-1 of the Elkhart County Code;

WHEREAS said Ordinance has been amended since 1983 on several occasions, the last amendment and update thereof being reflected by Ordinance No. 09-37 adopted by the Board of Commissioners of the County of Elkhart, Indiana on February 2, 2009;

WHEREAS it is deemed beneficial by the Elkhart County Commissioners to restate in full Section 8-17-15-1 of the Elkhart County Code, as herein amended;

NOW, THEREFORE, BE IT RESOLVED, ORDERED, ESTABLISHED, AND ORDAINED by the Board of Commissioners of the County of Elkhart, Indiana, that Elkhart County Code Section 8-17-15-1 is herewith amended and supplemented, and totally restated, as follows:

1. Enactment. This Ordinance is enacted pursuant to Title 36 of the Indiana Code.
2. Definitions. Definitions, as used in this Ordinance, are as follows:
 - A. “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. “Horse drawn trailer” means a wagon or trailer, which itself is pulled behind or attached as a supplemental vehicle to “horse drawn vehicle.” The term horse drawn trailer does not include horse drawn agricultural implements.
 - C. “Owner” of a horse drawn vehicle or horse drawn trailer means any individual, firm, corporation, company, partnership, association, or

other entity that, for a period of at least thirty (30) days in any calendar year, owns, rents, leases, or has exclusive use of a horse drawn vehicle or a horse drawn trailer.

D. "Resident of Elkhart County, Indiana" means a person who has his or her principal place of residence in Elkhart County, Indiana, or who owns or operates a business within Elkhart County, Indiana.

3. Annual Fee - Horse Drawn Vehicles. There is hereby imposed upon each resident of Elkhart County, Indiana, who is the owner of a horse drawn vehicle, which horse drawn vehicle is used upon the highways or roads of Elkhart County, Indiana, an annual license fee in the sum of Fifty Dollars (\$50.00). Said annual license fee of Fifty Dollars (\$50.00) shall apply to each such horse drawn vehicle for the owner thereof. Thus, by way of example, an Elkhart County resident who is the owner of four (4) horse drawn vehicles used upon the highways or roads of Elkhart County, Indiana shall be charged an annual license fee in the sum of Fifty Dollars (\$50.00) for each such vehicle, for a total of Two Hundred Dollars (\$200.00) for the four (4) such horse drawn vehicles.

Each Elkhart County resident who owns a horse drawn vehicle used upon the highways or roads of Elkhart County, Indiana shall pay the license fee attributable to such horse drawn vehicle or vehicles as set forth by this Ordinance to the Elkhart County Treasurer. Such required license fee or fees required under this Ordinance shall be paid after January 1 and before May 15 of each year. Upon payment of such license fee, such owner of a horse drawn vehicle shall receive a numbered metallic tag bearing the legend "Elkhart County, Indiana," the year of issue, and a consecutive number. With respect to subsequent renewal years for a horse drawn vehicle previously licensed under this Ordinance, the owner of a horse drawn vehicle may receive a self-adhesive label tag bearing the year of issue. The form of the plate shall be with a color scheme providing for a white or light background and black or dark numerals and legends. The owner shall thereafter affix the numbered metallic tag to such horse drawn vehicle and keep and reserve said metallic tag on said vehicle so long as said metallic tag is effective and has not expired. With respect to subsequent renewal years for a horse drawn vehicle previously licensed under this Ordinance for which a self-adhesive label

tag was received, the owner shall thereafter affix the self-adhesive label tag to the existing numbered metallic tag.

Each numbered metallic tag shall be valid from January 1 to May 15 of the following year for a maximum of sixteen and one-half (16 ½) months only, and all numbered metallic tags shall expire at midnight on May 15 of the year following the date stamped on said numbered metallic tag; provided, however, the expiration date shall be extended an additional year for a horse drawn vehicle properly licensed under this Ordinance for which a self-adhesive label tag was received 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 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 aforescribed, a registration receipt shall be issued 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. The registration receipt shall be carried in or on the horse drawn vehicle at all times of operation upon the highways or roads of Elkhart County, Indiana.

4. Annual Fee - Horse Drawn Trailers. There is hereby imposed upon each resident of Elkhart County, Indiana, who is the owner of a horse drawn trailer, which horse drawn trailer is used upon the highways or roads of Elkhart County, Indiana, an annual license fee in the sum of Seventeen Dollars (\$17.00). Said annual license fee of Seventeen Dollars (\$17.00) shall apply to each such horse drawn trailer for the owner thereof. Thus, by way of example, an Elkhart County resident who is the owner of four (4) horse drawn trailers used upon the highways or roads of Elkhart County, Indiana, shall be charged an annual license fee of Seventeen Dollars (\$17.00) for each such trailer, for a total of Sixty-Eight Dollars (\$68.00) for the four (4) such horse drawn trailers.

Each Elkhart County resident who owns a horse drawn trailer used upon the highways or roads of Elkhart County, Indiana shall pay the license fee attributable to such horse drawn trailer as set forth by this Ordinance to the Elkhart County Treasurer. Such required license fee or fees required under this Ordinance shall be paid after January 1 and before May 15 of each year. Upon payment of such license fee, each owner of a horse drawn trailer shall receive a numbered metallic tag bearing the legend "Elkhart County, Indiana," the year of

issuance, and a consecutive number. With respect to subsequent renewal years for a horse drawn trailer previously licensed under this Ordinance, the owner of a horse drawn trailer may receive a self-adhesive label tag bearing the year of issue. The form of the plate shall be with a color scheme providing for a white or light background and black or dark numerals and legends. The owner shall thereafter affix the numbered metallic tag to such horse drawn trailer and keep and preserve said metallic tag on said horse drawn trailer so long as said metallic tag is effective and has not expired. With respect to subsequent renewal years for a horse drawn trailer previously licensed under this Ordinance for which a self-adhesive label tag was received, the owner shall thereafter affix the self-adhesive label tag to the existing numbered metallic tag.

Each numbered metallic tag shall be valid from January 1 to May 15 of the following year for a maximum period of sixteen and one-half (16 ½) months only, and all numbered metallic tags shall expire at midnight on May 15 of the year following the date stamped on said numbered metallic tag; provided, however, the expiration date shall be extended an additional year for a horse drawn trailer properly licensed under this Ordinance for which a self-adhesive label tag was received and which is affixed to the metallic tag. Only one (1) metallic tag provided by the Ordinance may be attached to any horse drawn 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 aforescribed, a registration receipt shall be issued 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 trailer. The registration receipt shall be carried in or on the horse drawn trailer at all times of operation upon the highways or roads of Elkhart County, Indiana.

5. Unlawful. It shall be unlawful for any person to use or operate a horse drawn vehicle and/or a horse drawn trailer, the owner of which vehicle and/or trailer is a resident of Elkhart County, Indiana, upon a public highway or road in Elkhart 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 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 Elkhart County,

Indiana, upon a public highway or road in Elkhart 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 Elkhart 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.

6. 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 Elkhart County, Indiana, even if such vehicle or trailer is from time to time used or operated upon the highways or roads of Elkhart County, Indiana.

7. 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 35 of the Indiana Code.

8. Enforcement. It shall be the duty of the Elkhart County Sheriff's Department to enforce this Ordinance, and any duly qualified and acting law enforcement office serving in Elkhart 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.

9. Administration. The Elkhart County Commissioners in cooperation with the Elkhart County Auditor, Elkhart County Treasurer, and Elkhart County Assessor shall arrange for the administration of this Ordinance including the issuance of the metallic tags, self-adhesive label tags, and registration receipts for the licensing of horse drawn vehicles and horse drawn trailers pursuant to this Ordinance.

10. Delivery of Fees. The license fees collected for horse drawn vehicles and/or horse drawn trailers, pursuant to the terms and conditions of this Ordinance, shall be delivered

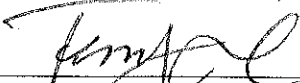
to the Elkhart County Auditor for deposit and record keeping. For each horse drawn vehicle license fee collected, the Elkhart County Auditor shall deposit the fees received in the MVH Fund of Elkhart County, Indiana. For each horse drawn trailer license fee collected under this Ordinance, the Elkhart County Auditor shall deposit the fees received in the MVH Fund of Elkhart County, Indiana.


11. Interpretation. No part of this Ordinance shall be deemed to conflict with the statutes of the State of Indiana regulating horse drawn vehicles and/or horse drawn trailers, but any conflict so far as possible shall be reconciled under the statutory presumptions in Title 36. Each section and clause of this Ordinance shall be deemed to be separate from every other section and clause. If any one or more clauses or sections shall be found to be illegal, or unconstitutional, or unenforceable, such findings shall not affect any other section or clause.

12. Effective Date. All provisions of this Ordinance, previously in force and effect and which are not changed by this Ordinance, shall remain in force and effect, without regard to publication of this Ordinance or any notice pertaining thereto. This Ordinance shall be effective as of January 1, 2011.

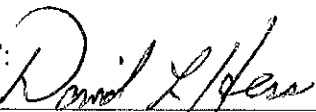
ORDAINED this 20th day of December, 2010.

BOARD OF COMMISSIONERS OF THE
COUNTY OF ELKHART, INDIANA

By 
Terry Rodino, President

By 
Mike Yoder, Mike Yoder

By ABSENT
Frank Lucchese, Member

ATTEST: 
David L. Hess
Elkhart County Auditor