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ROSEMARY BROWN
WHITLEY COUNTY RECORDER

COLUMBIA CITY, IN

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ORDINANCE NO. 2025- 16

**AN ORDINANCE ESTABLISHING STANDARDS AND CONDITIONS FOR THE ISSUANCE
OF WHITLEY COUNTY REGISTRATION AND LICENSING OF HORSE DRAWN VEHICLES
AND THE ESTABLISHING OF SERVICE CHARGES THEREFORE;**

WHEREAS, the County of Whitley, Indiana ("County") may regulate the use of public ways pursuant to Indiana Code § 36-9-2-7 (2021)

WHEREAS, Indiana Code 36-1-3, et. seq. ("the Indiana Home Rule Act"), permits any county in the State of Indiana to exercise any power or to perform any function necessary to the public interest in the context of its county or internal affairs which is not prohibited by the Constitution of the United States or of the State of Indiana, or denied or pre-empted by any other law, or is not expressly granted by any other law to another governmental entity;

WHEREAS, The Board of Commissioners of the County of Whitley is the county legislative and executive body and is authorized to adopt ordinances and resolutions concerning Whitley County governmental operations; and

WHEREAS, due to increased administrative costs and the costs of highway repairs, the Commissioners have identified a need to increase the licensing fees for horse-drawn vehicles;

WHEREAS, the Indiana Home Rule Act allows Whitley County to impose license fees not greater than that reasonably related to the administrative cost of exercising a regulatory power, and service charges or user fees not greater than that reasonably related to reasonable and just rates and charges for the services provided.

NOW, THEREFORE, BE IT ORDERED, ESTABLISHED, AND ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF WHITLEY COUNTY, AS FOLLOWS:

SECTION 1. -NAME

I. The name of this ordinance is the "Horse-Drawn Vehicle License Fee Ordinance"

The Board of Commissioners of the County of Whitley hereby adopts the following standards and conditions for the issuance of registration and licensing of horse drawn vehicles and establishing of service charges therefore

SECTION 2. -DEFINITIONS

II. DEFINITIONS. For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- a. **COUNTY ROAD.** Any public vehicular thoroughfare or public way owned, operated, or maintained by Whitley County, Indiana. The term does not include privately owned and maintained roadways or drives, nor public ways owned, operated, or maintained by the state or an incorporated municipality.
- b. **HORSE.** Has its usual meaning, but also includes similarly employed draft animals such as mules, ponies, oxen, and the like.
- c. **HORSE DRAWN VEHICLE.** A buggy, carriage, dray, wagon, or trailer designed or intended to use one or more horses as motive power. The term does not include horse drawn agricultural implements

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- d. OWNER. Any person, individual, partnership, corporation, association, or quasi-legal entity that owns, rents, leases, or otherwise has primary use or control over a horse drawn vehicle for any period of 30 days or more.
- III. AUTHORITY AND APPLICABILITY. This act is adopted under authority of I.C. 8-17-1-40, I.C. 36-1-3-6(b)(1), and I.C. 36-9-2-7, and applies to the use of horse drawn vehicles on all Whitley County roads, unless otherwise specifically limited herein.
- IV. PROCESS. The Auditor of Whitley County shall make available for sale a numbered license plate bearing the legend "Whitley County Indiana", as the year of issue, which may be annually updated by a sticker and a consecutive number. The auditor shall sell and distribute the license plates and/or annual renewal sticker and collect the fees. The auditor shall retain a \$10.00 processing fee to be deposited into Whitley County General Fund and deposit the remaining balance of the fee into the Whitley County Highway Fund. The costs of the license plate and/or annual renewal sticker shall be paid from the Whitley County Highway Funds.
 - a. There is an imposed fee upon each horse drawn vehicle the sum of \$100.00 each year (annually) for each license plate and/or an adhesive label. Each owner shall receive from the Auditor a license plate and/or an adhesive label for each horse drawn vehicle purchased.
 - b. The \$100.00 annual fee for 2026 will increase by \$10 each even numbered year or until such time as the Whitley County Board of Commissioners determine to change the annual fee. (see attached fee schedule).
 - c. Each owner of each horse drawn vehicle shall pay the fee attributable to horse drawn vehicles as set forth by this section to the Whitley County Auditor, after January 1, and before May 15 of each year.
 - d. The owner shall thereafter permanently affix the numbered license plate to such horse drawn vehicle. The owner shall thereafter affix the annual renewal sticker to the original license plate on such horse drawn vehicle after its annual expiration.
 - e. Each license plate shall be valid from January 1 to May 15 the following year and all license plates shall expire at midnight on May 15 of the year following the date stamped on said numbered license plate.
 - f. The renewal sticker shall be valid from January 1 to May 15 the following year and renewal stickers shall expire at midnight on May 15 of the year following the date stamped on said renewal sticker.
 - g. If a license plate is not obtained or renewed within the specified period, a late fee of \$25.00 will be applied to original fee for each horse drawn vehicle in violation.
 - h. It shall be unlawful to use or operate a horse drawn vehicle upon a county road in Whitley County, Indiana, unless the license plate required by this ordinance is attached to the vehicle.
 - i. Only one license plate provided by this ordinance may be attached to any horse drawn vehicle at any one time.
 - j. It shall be unlawful to transfer the numbered license plate from one horse drawn vehicle to another horse drawn vehicle, or from one owner to another owner.

V. VIOLATIONS AND ENFORCEMENT PROCEDURES. Violations of this section shall be a Class C infraction as defined by Title 35 of the Indiana Code.

- a. It shall be the duty of the Whitley County Sheriff's Department to enforce this section, and any duly qualified and acting law enforcement officer may enforce the terms of this section. Procedures for arrest and court appearances shall be in accordance with IC 9-4-7-1 et seq. Proceedings for section violation shall be in accordance with IC 34-4-32.
- b. No part of this section shall be deemed to conflict with statutes of the State of Indiana regulating horse drawn vehicles, but any conflict so far as possible shall be reconciled under the statutory presumptions in Title 36.
- c. Each section and clause of this section 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.

VI. EFFECTIVE DATE. All provisions of this Ordinance shall remain in force and effect without publication of this ordinance or any notice pertaining thereto. This Ordinance shall be effective as of July 21st, 2025.

So Ordained by the Board of Commissioners of Whitley County, Indiana on this 4th day of ^{August}, 2025.

THE BOARD OF COMMISSIONERS
OF THE COUNTY OF WHITLEY, INDIANA

ATTEST:

Tiffany Deakins
Tiffany Deakins, Auditor

Chad Banks
Chad Banks

Theresa Green
Theresa Green

Robert Schuman
Robert Schuman

EXHIBIT A - HORSE-DRAWN VEHICLE FEE SCHEDULE

#	Type of Horse-Drawn License	Year	Fee (per vehicle)
1	Buggy Plate and Self-Adhesive Label	2026	\$100.00
		2027	\$100.00
		2028	\$110.00
		2029	\$110.00
		2030	\$120.00
		2031	\$120.00
		2032	\$130.00
		2033	\$130.00
		2034	\$140.00
		2035	\$140.00
		2036	\$150.00
2	Trailer Plate and Self-Adhesive Label	2025+	\$100.00
3	Replacement License Fee	2025+	\$25.00
4	Late Registration Fee	2025+	\$25.00