

**Topics Tentatively Scheduled for Study Session Discussion
and
Topics Requested for Action at Future Business Meetings of the Twenty-Ninth
Town Council of Highland**

This meeting will be convened as a Hybrid in person and electronic meeting, pursuant to Governor Holcomb's Executive Orders, 20-04, 20-09, 20-25 and extended by Executive Order 21-28, allowing such meetings, pursuant to IC 5-14-1.5-3.6 for the duration of the emergency, through to December 1, 2021.

People may observe and record the meeting for live streaming by joining the meeting on the Zoom platform:

<https://us06web.zoom.us/j/86594542295?pwd=dThlT01Kdmx5WGIPZlFkaXg4Y2FOU09>

Further, persons wishing to offer comment in the meeting may access the electronic meeting by using the preceding and adding the password for Meeting ID: 865 9454 2295 password (code): 633744

**Monday November 15, 2021
Study Session 6:30 p.m.**

This meeting contributes to Agenda building for the plenary meeting. Please, also be aware of the running enrolled list of matters that are likely for the plenary meeting, subject to review by the municipal executive. By practice and local ordinance, study sessions are distinguished from plenary (regular business) meetings of the Town Council "as they shall be conducted with less formality and with no votes or final actions of a dispositive nature unless provided otherwise by proper notice, pursuant to IC [5-14-1.5](#) et seq." (Confer HMC Section 2.05.130(3))

- X. **Discussion:** Update on Insurance from Brown Insurance Agency.
- X. **Discussion:** Explore the merits of amending the Chapter 5.40 of the Highland Municipal code regarding Tattoo Parlors.
- X. **Discussion:** Explore the merits of amending the provisions of the Highland Municipal code prohibiting Storage Locker Buildings.
- X. **Discussion:** Explore desirable, lawful uses of the Innkeeper Tax Fund resources.
- X. **Discussion:** Appointments to boards and commissions generally. Survey of who is seeking reappointment and who is not and how to proceed.

II.

• Plenary Business Meeting of Monday November 22, 2021 Likely matters

- X. Accounts payable vouchers Docket for the period of November 9, 2021 to November 22, 2021 in the amount \$ _____
- X. Ratify Payroll Vouchers Dockets for payday of _____ in the amount of \$ _____
- X. Minutes of the Meeting of Monday, November 08, 2021.
- X. Buckeye Pipeline LICENSE AGREEMENT TO USE AN EASEMENT (if ready)
- X. SPECIAL FUND for UNDERGROUND TANK LIABILITY FUND AS THE LOCAL COVERAGE SHARE.

Chapter 5.40 TATTOO PARLORS

Sections:

[5.40.010 Definitions.](#)

[5.40.020 Regulation of tattoo parlors.](#)

[5.40.030 Penalty.](#)

5.40.010 Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

“Administer” means any creation, modification, extension, repair or touch-up of a tattoo.

“Person” means any individual, firm, association, partnership or other business entity of whatever form or character.

“Tattoo” means the insertion of permanent or indelible color or pigment in the skin by puncturing or entering through the outer layer of skin, whether or not it is solely for artistic purposes or otherwise. [Ord. 1035, 1996. Code 2000 § 115.01].

5.40.020 Regulation of tattoo parlors.

(A) It shall be unlawful for any person to engage in or carry out the business of administering a tattoo to any other person, for or without consideration, if the person administering the tattoo is not duly licensed in good standing to practice medicine or osteopathic medicine under the auspices of the Indiana Medical Licensing Board.

(B) It shall be unlawful for any person to own, operate or manage an establishment which knowingly employs or uses a person who is or has violated any subsection herein.

(C) Subject to subsection (E) of this section, in the case of a person lawfully administering tattoos under this chapter, that person shall be regulated to the extent of the powers and duties of the Medical Licensing Board pursuant to IC [25-22.5-1](#) et seq. and Title [844](#) of the Indiana Administrative Code as well as any other laws utilized by the Medical Licensing Board to the extent those statutes, rules and regulations do not conflict with the letter and intent of the town’s municipal code, the latter of which shall be enforced by the appropriate town authorities.

(D) In the case of a person lawfully administering tattoos under this chapter, that person shall not administer a tattoo to a person who is under the age of 18 years.

(E) Any building utilized to administer tattoos in violation of this chapter, with the actual or constructed knowledge of the owner or manager thereof, or after notice from the town, together with all fixtures and other property used

in conjunction with the operation of said building, are hereby declared to be a public nuisance and are subject to prosecution and enforcement by the town to the full extent of the law provided. [Ord. 1035, 1996. Code 2000 § 115.02].

Penalty, see HMC [5.40.030](#).

5.40.030 Penalty.

Any person who violates or fails to comply with this chapter, or any part thereof, shall be punished by a fine not to exceed \$100.00. Every day any violation of this chapter shall continue shall constitute a separate offense. [Ord. 1035, 1996. Code 2000 § 115.99]

IC 35-45-21-4 Tattooing or body piercing a minor

Sec. 4. (a) As used in this section, "tattoo" means:

- (1) any indelible design, letter, scroll, figure, symbol, or other mark placed with the aid of needles or other instruments; or
- (2) any design, letter, scroll, figure, or symbol done by scarring; upon or under the skin.

(b) As used in this section, "body piercing" means the perforation of any human body part other than an earlobe for the purpose of inserting jewelry or other decoration or for some other nonmedical purpose.

(c) Except as provided in subsection (e), a person who recklessly, knowingly, or intentionally provides a tattoo to a person who is less than eighteen (18) years of age commits tattooing a minor, a Class A misdemeanor.

(d) This subsection does not apply to an act of a health care professional (as defined in [IC 16-27-2-1](#)) licensed under [IC 25](#) when the act is performed in the course of the health care professional's practice. Except as provided in subsection (e), a person who recklessly, knowingly, or intentionally performs body piercing upon a person who is less than eighteen (18) years of age commits body piercing a minor, a Class A misdemeanor.

(e) A person may provide a tattoo to a person who is less than eighteen (18) years of age or perform body piercing upon a person who is less than eighteen (18) years of age if a parent or legal guardian of the person receiving the tattoo or undergoing the body piercing:

- (1) is present at the time the tattoo is provided or the body piercing is performed; and
- (2) provides written permission for the person to receive the tattoo or undergo the body piercing.

(f) Notwithstanding [IC 36-1-3-8\(a\)](#), a unit (as defined in [IC 36-1-2-23](#)) may adopt an ordinance that is at least as restrictive or more restrictive than this section or a rule adopted under [IC 16-19-3-4.1](#) or [IC 16-19-3-4.2](#).

As added by P.L.158-2013, SEC.547.

IC 25-1-19 Chapter 19. Scleral Tattooing

[25-1-19-1](#)"Scleral tattooing"

[25-1-19-2](#)Scleral tattooing prohibited; exception

[25-1-19-3](#)Civil penalties

[25-1-19-4](#)Investigation; prosecution by attorney general

[25-1-19-5](#)Reimbursement of costs

IC 25-1-19-1"Scleral tattooing"

Sec. 1. As used in this chapter, "scleral tattooing" means the practice of producing an indelible mark or figure on the human eye by scarring or inserting a pigment on, in, or under:

- (1) the fornix conjunctiva;
- (2) the bulbar conjunctiva;
- (3) the ocular conjunctiva; or
- (4) another ocular surface;

using needles, scalpels, or other related equipment.

As added by P.L.50-2018, SEC.1. Amended by P.L.10-2019, SEC.108.

IC 25-1-19-2 Scleral tattooing prohibited; exception

Sec. 2. (a) Except as provided in subsection (b), a person may not perform or offer to perform scleral tattooing on another person.

(b) This section does not apply to an act of a health care professional (as defined in [IC 16-27-2-1](#)) licensed under [IC 25](#) when the act is performed in the scope of the health care professional's practice.

As added by P.L.50-2018, SEC.1.

Innkeeper Tax Fund for Lake County and Its uses for Cities and Towns

IC 6-9-2-2 Allocation of revenue

Sec. 2. (a) The revenue received by the county treasurer under this chapter shall be allocated to the Lake County convention and visitor bureau, Indiana University-Northwest, Purdue University-Calumet, municipal public safety departments, municipal physical and economic development divisions, and the cities and towns in the county as provided in this section. Subsections (b) through (g) do not apply to the distribution of revenue received under section 1 of this chapter from hotels, motels, inns, tourist camps, tourist cabins, and other lodgings or accommodations built or refurbished after June 30, 1993, that are located in the city of Gary.

(b) The Lake County convention and visitor bureau shall establish a convention, tourism, and visitor promotion fund (referred to in this chapter as the "promotion fund"). The county treasurer shall transfer to the Lake County convention and visitor bureau for deposit in the promotion fund thirty-five percent (35%) of the first one million two hundred thousand dollars (\$1,200,000) of revenue received from the tax imposed under this chapter in each year. The promotion fund consists of:

- (1) money in the promotion fund on June 30, 2005;
- (2) revenue deposited in the promotion fund under this subsection after June 30, 2005; and
- (3) investment income earned on the promotion fund's assets.

Money in the funds established by the bureau may be expended to promote and encourage conventions, trade shows, special events, recreation, and visitors. Money may be paid from the funds established by the bureau, by claim in the same manner as municipalities may pay claims under [IC 5-11-10-1.6](#).

(c) This subsection applies to the first one million two hundred thousand dollars (\$1,200,000) of revenue received from the tax imposed under this chapter in each year. During each year, the county treasurer shall transfer to Indiana University-Northwest forty-four and thirty-three hundredths percent (44.33%) of the revenue received under this chapter for that year to be used as follows:

- (1) Seventy-five percent (75%) of the revenue received under this subsection may be used only for the university's medical education programs.
- (2) Twenty-five percent (25%) of the revenue received under this subsection may be used only for the university's allied health education programs.

(d) This subsection applies to the first one million two hundred thousand dollars (\$1,200,000) of revenue received from the tax imposed under this chapter in each year. During each year, the county treasurer shall allocate among the cities and towns throughout the county nine percent (9%) of the revenue received under this chapter for that year as follows:

- (1) Ten percent (10%) of the revenue covered by this subsection shall be distributed to cities having a population of more than eighty thousand (80,000) but less than eighty thousand four hundred (80,400).
- (2) Ten percent (10%) of the revenue covered by this subsection shall be distributed to cities having a population of more than eighty thousand five hundred (80,500) but less than one hundred thousand (100,000).
- (3) Ten percent (10%) of the revenue covered by this subsection shall be distributed to cities having a population of more than twenty-nine thousand six hundred (29,600) but less than twenty-nine thousand nine hundred (29,900).

(4) Seventy percent (70%) of the revenue covered by this subsection shall be distributed in equal amounts to each town and each city not receiving a distribution under subdivisions (1) through (3).

The money distributed under this subsection may be used only for tourism and economic development projects. The county treasurer shall make the distributions on or before December 1 of each year.

IC 6-9-2-3 Convention and visitor bureau; creation; membership; terms; removal of member; organization

Sec. 3. (a) For purposes of this section, the size of a political subdivision is based on the population determined in the last federal decennial census.

(b) A convention and visitor bureau having **nineteen (19) members** is created to promote the development and growth of the convention, tourism, and visitor industry in the county.

(c) The **executives** (as defined by [IC 36-1-2-5](#)) of the five (5) largest cities and the **seven (7) largest towns in the county** shall each appoint one (1) member to the bureau. The legislative body (as defined in [IC 36-1-2-9](#)) of the two (2) largest municipalities in the county shall each appoint one (1) member to the bureau.

(d) The county council shall appoint two (2) members to the bureau. One (1) of the appointees must be a resident of the fifth largest city in the county, and one (1) of the appointees must be a resident of the eighth largest town in the county. The appointees may not be of the same political party.

(e) The county commissioners shall appoint two (2) members to the bureau. One (1) of the appointees must be a resident of the sixth largest town in the county. One (1) of the appointees must be a resident of the seventh largest town in the county. The appointees may not be of the same political party.

(f) The lieutenant governor shall appoint one (1) member to the bureau.

(g) No appointee under this section may hold an elected or appointed political office while serving on the bureau.

(h) In making appointments under this section, the appointing authority shall give sole consideration to individuals who are knowledgeable about or employed as executives or managers in at least one (1) of the following businesses in the county:

- (1) Hotel.
- (2) Motel.
- (3) Restaurant.
- (4) Travel.
- (5) Transportation.
- (6) Convention.
- (7) Trade show.
- (8) A riverboat licensed under [IC 4-33](#).
- (9) Banking.

(10) Real estate.

(11) Construction.

However, an individual employed by a riverboat may not be appointed under this section unless the individual holds a Level 1 occupational license issued under [IC 4-33-8](#). This subsection does not apply to board members appointed before July 1, 2007, who are eligible for reappointment after June 30, 2007.

(i) All terms of office of bureau members begin on July 1. Members of the bureau serve terms of three (3) years. A member whose term expires may be reappointed to serve another term. If a vacancy occurs, the appointing authority shall appoint a qualified person to serve for the remainder of the term. If an appointment is not made before July 16 or a vacancy is not filled within thirty (30) days, the member appointed by the lieutenant governor under subsection (f) shall appoint a qualified person.

(j) A member of the bureau may be removed for cause:

(1) by the member's appointing authority; or

(2) by vote of the bureau's board if it is determined that a member does not meet the qualifications under subsection (h).

If a member is removed under this subsection, the appointing authority may, not more than thirty (30) days after the member is removed, appoint a replacement member to fill the remainder of the removed member's term.

(k) Members of the bureau may not receive a salary. However, bureau members are entitled to reimbursement for necessary expenses incurred in the performance of their respective duties.

(l) Each bureau member, before entering the member's duties, shall take an oath of office in the usual form, **to be endorsed upon the member's certificate of appointment and promptly filed with the clerk of the circuit court of the county.**

(m) The bureau shall meet after July 1 each year for the purpose of organization. The bureau shall elect a chairman from its members. The bureau shall also elect from its members a vice chairman, a secretary, and a treasurer. The members serving in those offices shall perform the duties pertaining to the offices. The first officers chosen shall serve until their successors are elected and qualified. A majority of the bureau constitutes a quorum, and the concurrence of a majority of those present is necessary to authorize any action.

(n) If the county and one (1) or more adjoining counties desire to establish a joint bureau, the counties shall enter into an agreement under [IC 36-1-7](#).

(o) Notwithstanding any other law, any bureau member appointed as of January 1, 2007, is eligible for reappointment.

As added by Acts 1982, P.L.67, SEC.3. Amended by P.L.96-1983, SEC.3; P.L.68-1996, SEC.2; P.L.176-2002, SEC.4; P.L.168-2005, SEC.2; P.L.223-2007, SEC.7; P.L.172-2011, SEC.92; P.L.193-2017, SEC.1.