

ORDINANCE NO. 2-2025

AN ORDINANCE OF THE CITY OF PLANT CITY, FLORIDA, AMENDING SECTION 102-491, PLANT CITY CODE, REGARDING TATTOO ESTABLISHMENTS WITHIN THE DOWNTOWN CORE; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Whereas, tattooing is a protected form of artistic expression; and

Whereas, the City currently allows for tattoo establishments within the commercial areas of the City, except for Downtown and Midtown; and

Whereas, in David S. Hudder v. City of Plant City, in Case No. 8:13 cv-01686-EAK-EAJ, District Court Judge Elizabeth A. Kovachevich of the Middle District of Florida entered judgment on November 20, 2015 in favor of the City, and granted the City's Motion for Summary Judgment on Plaintiff's first amendment and equal protection claims against the City for the City's restriction of tattoo establishments within the Downtown and Midtown area; and

Whereas, this ordinance is not addressing the content of any speech, and is therefore content neutral; and

Whereas, the City of Plant City has adopted a Strategic Guide outlining the values and vision for the City, and among the "core values" identified in the Strategic Guide are a "unique sense of place" with the attributes of "hometown charm", "family-oriented", and "neighborhood pride"; and

Whereas, the Strategic Guide specifically identifies these core values as important considerations when revitalizing the downtown; and

Whereas, the Strategic Guide was adopted by unanimous vote of the City Commission on January 26, 2009, and subsequently incorporated into the City's Comprehensive Plan; and

Whereas, the City has an interest in preserving the character of the downtown area by promoting the City's vision and values which include fostering a unique sense of place, with hometown charm, and family-oriented neighborhood pride; and

Whereas, the City Commission finds that limiting tattoo establishments to two locations within the downtown area is consistent with the preservation of the character of the downtown area; and

Whereas, allowing up to two tattoo establishments within the downtown core is less restrictive than the Ordinance approved in David S. Hudder v. City of Plant City; and

Whereas, the City Commission finds that the limited number of tattoo establishments being allowed in the downtown area will not detract from the family-oriented business environment or the aesthetic ambiance necessary to attract tourists or residents within the downtown core; and

Whereas, “[a]esthetics is a substantial governmental goal which is entitled to and should be accorded weighty respect.” Harnish v. Manatee Cnty, Fla., 783 F.2d 1535, 1539 (11th Cir. 1986); and

Whereas, the City Commission finds that the proposed change allowing for up to two tattoo establishments within the downtown core is narrowly tailored to serve a significant government interest; and

Whereas, tattoo establishments are permitted without any restriction in 95% of the commercially-zoned areas of the City; and

Whereas, the City leaves open ample alternative channels for communication of the information; and

Whereas, the City Commission finds that this ordinance is consistent with the City’s Comprehensive Plan; and

Whereas, the City Commission finds that this ordinance bears a substantial relationship to the public health, safety, and welfare; now, therefore

BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF PLANT CITY, FLORIDA:

Section 1. Subsection (32) of Section 102-491, Plant City Code, is hereby amended to read as follows:

(32) Tattoo establishments, provided that said use shall be limited to two locations ~~not be permitted~~ within the "Downtown Core" as designated in the future land use map of the City's Comprehensive Plan, and shall not be permitted ~~nor~~ within the area designated as the "Midtown Redevelopment District" within the Future Land Use Element of the City's Comprehensive Plan.

Section 2. In accordance with Section 1-14, Plant City Code, any person violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine not to exceed \$500.00 or by imprisonment not to exceed 60 days or by both such fine and imprisonment. Furthermore, the provisions of this ordinance may be enforced in accordance with Chapter 2, Article V, Division 2, Plant City Code, or any other remedy available under the ordinances of the City of Plant City or the laws of the State of Florida.

Section 3. In the event of a conflict with any other existing ordinances or parts of ordinances, the provisions of this ordinance shall control.

Section 4. If any section, sentence, clause, part, or provision of this ordinance is held to be invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby, but shall remain in full force and effect.

Section 5. This ordinance shall take effect immediately upon passage.

Read for first reading on January 13, 2025.

Read for second reading on January 27, 2025.

Adopted and certified as to passage on February 10, 2025.

Nathan A. Kilton
Mayor-Commissioner

ATTEST:

Dominique N. Wells
Assistant City Clerk

Approved as to form and correctness:

Kenneth W. Buchman
City Attorney