



January 19, 2026

Mayor and City Commissioners
501 Harrison Avenue
Panama City, FL 32401

LES W. BURKE °
ROB BLUE, JR.
EDWARD A. HUTCHISON, JR.
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MATT HUTT
RICHARD A. SHANK II
GRAHAM CLARKE °*♦
SANDRA A. WILSON °
CAROLINE LA COUR SMITH °
THOMAS D. STRINGER, J.D., LAW CLERK **

° OF COUNSEL
* ALSO ADMITTED IN GEORGIA
+ CERTIFIED CIRCUIT COURT MEDIATOR
++ LL.M. IN TAXATION
♦ BOARD CERTIFIED MARITAL &
FAMILY LAW ATTORNEY
♦♦ BOARD CERTIFIED CITY, COUNTY
AND LOCAL GOVERNMENT ATTORNEY
**NOT LICENSED TO PRACTICE IN FLORIDA

Re: Ordinance No. 3299 - Amendment to Chapter 12, Environment, adding Article VIII – Railroad Rights-of-Way Vegetation, Drainage, and Nuisance Maintenance.

Dear Mayor and Commissioners:

For your consideration of a first reading is Ordinance 3299 which amends Chapter 12, Environment, to add Article VIII, Railroad Rights-of-Way Vegetation, Drainage, and Nuisance Maintenance.

Ordinance 3299 (i) requires all railroad companies to maintain grass and weeds outside the Ballast/Track Zone so they do not exceed twelve (12) inches in height; (ii) keep open all ditches, culverts, and stormwater conveyances within the rights-of-way to prevent flooding or standing water affecting public or private property; (iii) keep rights-of-way outside the Ballast/Track Zone free of fire hazards, trash, encampments or vermin harborage; and (iv) ensure vegetation outside the Ballast/Track Zone does not obstruct visibility at public street crossings. The Ordinance specifically exempts the area known as the Ballast/Track Zone area, a fifteen (15) foot area extending from the centerline of the track on both sides so as not to interfere with the operations of the railroad.

Commissioner Street has been made aware of an ongoing issue concerning the failure of the Genesee & Wyoming Railroad to maintain its rights of way that run throughout the City. The rights of way continue to be overgrown with vegetation, which can cause hazards such as flooding, fire, trash, vermin, and drainage. For some time, the City has been maintaining the rights-of-way outside the railroad's Track/Ballast Zone area at the expense of the City to eliminate these dangerous hazards.

The City can adopt this Ordinance to exercise its regulatory authority to ensure that the railroad compensates the City for this expense through the code compliance process, allowing the City to abate the nuisance, place a lien against the property, and collect the costs through the City's non-ad valorem uniform tax collection process.

Staff recommends the Commission have a first reading of Ordinance 3299.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Nevin J. Zimmerman".

Nevin J. Zimmerman
City Attorney

cc: Jonathan H. Hayes, City Manager
Janette Smith, CPA, CMC, City Clerk-Treasurer