

ORDINANCE NO. 2026-07

AN ORDINANCE OF THE WEST MANATEE FIRE & RESCUE DISTRICT REPEALING AND REPLACING ORDINANCE 2024-01; ADOPTING A LOCAL FIRE PREVENTION ADMINISTRATION AND OPERATIONAL CODE; ESTABLISHING THE BUREAU OF FIRE PREVENTION, INSPECTION, AND INVESTIGATION; RECOGNIZING THE DISTRICT'S AUTHORITY AND RESPONSIBILITY TO ENFORCE THE FLORIDA FIRE PREVENTION CODE AND STATE FIRE SAFETY LAWS AND RULES IN ACCORDANCE WITH APPLICABLE LAW; PROVIDING LOCAL ADMINISTRATIVE AND OPERATIONAL REQUIREMENTS FOR FIRE PROTECTION SYSTEMS; SETTING FORTH LOCAL AND OPERATIONAL REQUIREMENTS FOR REPORTING, NUISANCE ALARMS, SWIMMING POOL AND SPA SAFETY OBSERVATIONS AND REFERRALS; PROVIDING FOR NOTICES, ORDERS, PENALTIES, AND APPEALS; PROVIDING FOR TRANSMISSION OF LOCAL TECHNICAL AMENDMENTS AS REQUIRED BY APPLICABLE STATE LAW; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the West Manatee Fire & Rescue District ("District") is an independent special fire control district and a local governmental entity created pursuant to Chapters 2000-401, 2007-282, and 2016-255, Law of Florida and general law; and

WHEREAS, the District is authorized pursuant to general and special law to provide fire suppression, fire prevention, fire safety, inspection, investigation, and related public safety responsibilities within its jurisdiction; and

WHEREAS, section 191.008, Florida Statutes, authorizes independent special fire control districts to adopt and enforce fire safety standards and codes and to enforce the rules of the State Fire Marshal consistent with the exercise of duties authorized by chapter 553 or chapter 633, Florida Statutes, with respect to fire suppression, prevention, and fire safety code enforcement; and

WHEREAS, section 633.208, Florida Statutes, provides that the Florida Fire Prevention Code adopted by the State Fire Marshal is deemed adopted by each municipality, county, and special district with fire safety responsibilities; and

WHEREAS, section 633.202, Florida Statutes, provides that the Florida Fire Prevention Code is adopted for use statewide without adoption by local governments and establishes procedures for local amendments to the Florida Fire Prevention Code; and

WHEREAS, section 633.206, Florida Statutes, establishes uniform fire safety standards for specified buildings and occupancies and limits more stringent local requirements for such buildings and occupancies except as authorized by law; and

WHEREAS, the District's Board of Fire Commissioners desires to update and revise the District's locally adopted Fire Code and local technical requirements and to more closely align with the Florida Fire Prevention Code including the local administrative and operational provisions that support lawful enforcement, emergency response access, inspection coordination, and public safety operations; and

WHEREAS, the Board of Fire Commissioners finds that it is in the best interest of the public for the District to limit its enforcement to the requirements set forth in the Florida Fire Prevention Code, applicable Florida Administrative Code rules, and applicable Florida Statutes and repeal the previously adopted local fire code and table of fire alarm, sprinkler, and standpipe requirements; and

WHEREAS, the Board of Fire Commissioners finds that this Ordinance is intended to repeal, replace and supersede Ordinance 2024-01 and to establish a streamlined local administrative and operational code for the District as fully set forth herein as Exhibit A; and

WHEREAS, the Board of Fire Commissioners finds that advancements in technology and internet access has made electronic (online) reporting more convenient for the property owners and residents of the District, and therefore requiring online reporting of fire protection systems inspections will be more efficient, cost effective and result in higher compliance with inspection requirements; and

WHEREAS, the Board of Fire Commissioners finds that adopting the local Fire Prevention Code, as set forth herein as Exhibit A, serves a public purpose and improves the health, safety and welfare of the public; and

NOW, THEREFORE, BE IT ORDAINED by the Board of Fire Commissioners of the West Manatee Fire & Rescue District as follows:

1. The foregoing recitals are true and correct, and all such recitals and Exhibit(s) are fully incorporated herein by reference.
2. Ordinance 2024-01 is repealed, replaced and superseded in its entirety by this Ordinance. Such repeal includes the repeal of all prior tables (including local fire alarm, fire sprinkler, standpipe, or occupancy-based fire protection threshold tables) and Appendix associated with Ordinance 2024-01.
3. The West Manatee Fire Rescue District Local Fire Prevention Administration and Operational Code, attached hereto and incorporated herein as Exhibit A, is adopted as the District's local administrative and operational code for fire prevention administration, inspection coordination, emergency access, operational interface, nuisance alarm management, enforcement procedure, penalties, and appeals.
4. This Ordinance does not amend the requirements of the Florida Fire Prevention Code or the Florida Building Code, as those codes are amended from time to time. Accordingly, nothing herein should be construed as a local technical amendment to such statewide codes. To the extent any provision of this Ordinance 2026-07 is determined by a court or agency of competent jurisdiction to constitute a local technical amendment, that provision shall be enforced only to the extent authorized by Florida law and only if any required adoption, transmittal, publication, or notice procedure has been completed.
5. This Ordinance 2026-07 shall be construed consistently with chapters 189, 191, 553, and 633, Florida Statutes, the Florida Fire Prevention Code, applicable Florida Administrative Code rules, and applicable limitations on local authority. This Ordinance shall not be construed to impose a more stringent uniform firesafety standard on a building or structure subject to section 633.206, Florida Statutes, except to the extent expressly authorized by law.
6. If any section, subsection, sentence, clause, phrase, or provision of this Ordinance 2026-07 is held invalid or unconstitutional by a court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect to the fullest extent permitted by law.
7. This Ordinance shall take effect upon adoption unless a later effective date is stated by the Board of Fire Commissioners.

DULY ADOPTED after public hearing this 8th day of September, 2026.

**WEST MANATEE FIRE & RESCUE DISTRICT
BOARD OF FIRE COMMISSIONERS**

Chair

ATTEST:

Secretary



EXHIBIT A



"Excellence Through Engineering, Education & Enforcement"

**Fire Prevention Code
of
West Manatee Fire & Rescue District
Adopted Pursuant to Ordinance 2026-07
Effective September 8, 2026**

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PREAMBLE

Section 1: Title, purpose, and scope

1.1 Title. This Code shall be known as the West Manatee Fire Rescue District Local Fire Prevention Administration and Operational Code and may be referred to as the "District Fire Prevention Administrative Code" or the "Code."

1.2 Purpose. The purpose of this Code is to establish local administrative and operational procedures that support the District's lawful enforcement of the Florida Fire Prevention Code, applicable Florida Administrative Code rules, chapter 633, Florida Statutes, and other applicable law. This Code is intended to support fire prevention, emergency response access, inspection coordination, enforcement administration, and public safety operations.

1.3 Scope. This Code applies within the jurisdictional boundaries of the District to the extent authorized by law. This Code does not create a separate building code, zoning code, land development code, public lodging code, public pool code, or comprehensive local fire code.

1.4 Statewide codes and rules. The District shall enforce the Florida Fire Prevention Code and applicable State Fire Marshal rules within the District's jurisdiction as required and authorized by Florida law. The Florida Fire Prevention Code is not locally re-adopted by this Code. All references to the Florida Fire Prevention Code shall be interpreted to mean the most current version of such code in effect at the time.

1.5 No additional local technical thresholds. This Code does not adopt local technical thresholds for fire alarms, fire sprinklers, standpipes, smoke detection, occupant notification, monitoring, fire protection system installation, or occupancy-based fire protection systems. Such requirements shall be determined by the Florida Fire Prevention Code, the Florida Building Code, applicable Florida Administrative Code rules, and applicable Florida Statutes, in effect at the time, unless a local amendment is expressly adopted and enforceable under Florida law.

1.6 Uniform firesafety standards. For buildings, structures, occupancies, and facilities subject to uniform firesafety standards under section 633.206, Florida Statutes, the District shall enforce the applicable uniform firesafety standards and shall not impose a more stringent local uniform firesafety standard except to the extent expressly authorized by law.

1.7 Land use, zoning, and building code coordination. Nothing in this Code shall be construed as a separate land use entitlement, zoning approval, building permit, certificate of occupancy, or Florida Building Code approval. Land use, zoning, and Florida Building Code matters remain within the jurisdiction of the agency having authority over those matters.

1.8 Administrative materials. The Fire Marshal may issue forms, checklists, operational bulletins, public education materials, and administrative procedures to implement this Code. Such materials shall not create local technical requirements beyond the Florida Fire Prevention Code, applicable state law, or this Code.

Section 2: Definitions

2.1 Approved means accepted by the Fire Marshal based on compliance with applicable law and code, compatibility with District emergency response operations, and the ability to provide reliable emergency access or fire protection system interface. Approval shall not be used to impose a local technical amendment unless authorized by law.

2.2 District means the West Manatee Fire & Rescue District.

2.3 Florida Fire Prevention Code or FFPC means the Florida Fire Prevention Code adopted by the State Fire Marshal and updated from time to time pursuant to chapter 633, Florida Statutes. All references shall mean the applicable Florida Fire Prevention Code in effect at the time.

2.4 Malfunctioning Fire Alarm means a fire alarm activation resulting from equipment failure, improper installation, lack of maintenance, or an unknown cause after investigation, and not from an actual fire, smoke condition, emergency condition, approved test, or other condition for which the system is intended to activate.

2.5 Nuisance Fire Alarm means a fire alarm activation resulting from a non-emergency condition, including construction, maintenance, cleaning, pressure washing, cooking fumes, steam, dust, or other activity or condition outside the fire alarm system's intended emergency function, and not from an actual fire, smoke condition, or emergency condition.

2.6 Responsible Party means an owner, operator, occupant, tenant, manager, licensee, agent, contractor, impairment coordinator, or other person with control over a property, building, system, operation, event, or activity subject to this Code.

2.7 Transient Public Lodging Establishment or TPLE means a public lodging establishment subject to inspection under applicable state law and chapter 69A-43, Florida Administrative Code.

Section 3: Bureau of Fire Prevention, Inspection, and Investigation

3.1 Establishment. The Bureau of Fire Prevention, Inspection, and Investigation is established within the District under the supervision of the Fire Chief.

3.2 Fire Marshal. The Fire Chief shall designate a Fire Marshal to administer the Bureau and to carry out the District's fire prevention, inspection, investigation, and enforcement responsibilities.

3.3 Inspectors. The Fire Chief or Fire Marshal may designate inspectors and other personnel as necessary to perform District fire prevention, inspection, investigation, and enforcement functions. Fire safety inspections required by law shall be performed by persons certified or otherwise authorized as required by Florida law.

3.4 Records. The Bureau will maintain inspection reports, notices, orders, permits, plans, referrals, photographs, correspondence, alarm response records, and other records necessary to administer this Code and as required by applicable Florida law.

AUTHORITY

Section 4: Enforcement, inspections, and coordination

4.1 Enforcement of statewide fire safety requirements. The District shall enforce the FFPC, applicable chapter 69A, Florida Administrative Code rules, chapter 633, Florida Statutes, and other applicable fire safety laws and rules within the District's jurisdiction.

4.2 Inspections. The District may conduct inspections authorized by law, requested by an agency having jurisdiction, required by permit or operational approval, required by the FFPC or applicable Florida Administrative Code rule, required by interlocal or inspection agreement, or otherwise within the District's lawful fire prevention and firesafety responsibilities.

4.3 Existing buildings and periodic inspections. Existing building inspections shall be conducted consistent with the FFPC, Florida Administrative Code, chapter 633, Florida Statutes, and applicable law.

4.4 Transient public lodging establishments. The District may conduct inspections of transient public lodging establishments, timeshare plans, timeshare unit facilities, vacation rentals, and related occupancies to the extent authorized by chapter 69A-43, Florida Administrative Code, chapter 633, Florida Statutes, the FFPC, applicable public lodging laws, interlocal agreement, or other lawful authority.

4.5 Fire inspection report. The District may issue a fire inspection report, fire inspection approval, correction notice, or similar document for matters within the District's jurisdiction. Such document is limited to fire and life safety matters within the District's jurisdiction and does not constitute a building code approval, zoning approval, land use approval, public pool permit, public lodging license, or certificate of occupancy.

4.6 Change of use or occupancy. When the District is asked to inspect a property in connection with a change of use, change of occupancy, business tax receipt, public lodging license, or similar approval, the District's inspection shall be limited to matters within its jurisdiction. Zoning, land use, and Florida Building Code determinations remain with the applicable agency having jurisdiction.

4.7 Fire alarm and fire sprinkler permitting. Where the District is a local enforcement agency for fire alarm system projects or fire sprinkler system projects, the District shall administer permit and inspection procedures consistent with applicable Florida law, including simplified permitting procedures where required by section 553.7932, Florida Statutes.

FIRE PREVENTION REGULATIONS

Section 5: Fire Protection Systems and Reporting

5.1 Fire alarm control panels or required annunciator shall be installed within six (6) feet of the primary entrance.

5.2 Outside stem and yoke (OS&Y) valves on fire line backflow preventers shall be secured through the use of chain(s) and lock(s) or other means approved by the Authority Having Jurisdiction (AHJ).

5.3 All fire department connections shall be located on the private property side of the fire line backflow preventer unless a specific exception is issued in writing by the AHJ. Such connection should be attached directly to the backflow preventer and shall be 2 ½ " or 5" Storz connection unless otherwise approved by the AHJ.

5.4 Fire protection system inspection reports that are set forth in this section are required to be submitted by certified technicians to West Manatee Fire Rescue District electronically through a web-based software system selected by the District.

(1) The following inspection reports are required pursuant to by the District and shall be submitted electronically in a form acceptable to the District:

- a. Five-year sprinkler system;
- b. Active smoke control system;
- c. Automatic closing fire assemblies;
- d. Automatic fire sprinkler system;
- e. Commercial kitchen exhaust cleaning;
- f. Commercial kitchen hood suppression system;
- g. Emergency generator;
- h. Emergency radio responder coverage system;
- i. Fire alarm system;

- j. Fire escape;
- k. Fire pump;
- l. Gas detection system;
- m. Paint/spray booth;
- n. Private fire hydrant;
- o. Special suppression system;
- p. Standpipe;
- q. Passive protection systems; and
- r. Others, as determined by AHJ.

5.5 Penalty: Section 8.

Section 6: Malfunctioning and/or nuisance fire alarms

6.1 Purpose. This section establishes a local administrative process to reduce unnecessary emergency responses caused by malfunctioning or nuisance fire alarms while preserving the required operation of fire alarm systems.

6.2 Investigation and records. The District may investigate fire alarm activations and maintain records identifying whether an activation was caused by an actual emergency, approved testing, malfunction, nuisance condition, or other cause.

6.3 Rolling twelve-month period. For purposes of this section, a rolling twelve-month period means the twelve months immediately preceding the most recent fire alarm activation determined by the District to be a malfunctioning fire alarm.

6.4 Warning. For the first and second malfunctioning fire alarm activations in a rolling twelve-month period, the District may issue a written warning to the responsible party.

6.5 Malfunction Fee. For the third and each subsequent malfunctioning fire alarm activation in a rolling twelve-month period, the District may assess the responsible party a fee of up to \$250.00 for each malfunctioning alarm.

6.6 Nuisance Fee. For alarm activations determined by investigation to be caused by nuisance, the District may assess the responsible party a fee of up to \$250.00 for each nuisance alarm.

6.7 Fire alarm systems that have produced two or more malfunction alarms within 48 hours shall be classified as a chronic malfunctioning alarm and shall be immediately placed on fire watch. The fire watch shall remain in effect until the District can confirm the fire alarm system has been repaired in accordance with NFPA 72 standards. All fire watch expenses shall be the responsibility of the persons owning and/or managing the building or occupancy, as applicable.

6.8 Penalty: Section 8.

Section 7: Swimming pool, spa, and hot tub safety observations and referrals

7.1 Purpose. This section establishes a procedure for documenting and referring readily observable swimming pool, spa, and hot tub safety concerns encountered during District inspections. This section does not adopt or enforce Chapter 514 or Chapter 515, Florida Statutes, Chapter 64E-9, Florida Administrative Code, or the Florida Building Code.

7.2 Observation. During a lawful District inspection, including an inspection of a transient public lodging establishment, vacation rental, timeshare facility, or similar property, the Fire Marshal or designee may document readily observable swimming pool, spa, or hot tub safety concerns, including damaged barriers, damaged gates, missing or inoperable self-closing or self-latching

devices, apparent entrapment hazards, exposed electrical hazards, missing public pool permit postings, or other apparent unsafe conditions.

7.3 Referral. Apparent swimming pool, spa, or hot tub safety concerns observed by the District may be referred to the agency having jurisdiction, including the local building official, local code enforcement agency, Florida Department of Health or county health department, Department of Business and Professional Regulation, law enforcement, or another appropriate agency.

7.4 District enforcement limited. The District may take enforcement action only for violations within its lawful fire prevention or fire safety jurisdiction. This section does not make the District the permitting or regulatory authority for swimming pools, spas, or hot tubs unless otherwise authorized by law.

7.5 Penalty: Section 8.

Section 8: Fees, penalties, and remedies

8.1 Fee schedule. Inspection fees, reinspection fees, malfunctioning alarm fees, nuisance alarm fees, permit fees, standby fees, and other administrative fees may be established by Board of Fire Commissioners by resolution or other lawful fee schedule.

8.2 Civil penalty. Unless another penalty or enforcement procedure applies, a violation of this Code, a lawful order issued under this Code, or a lawful condition of approval issued within the District's jurisdiction is subject to a fine of not more than \$250.00 per day for each violation. Each day a violation continues may constitute a separate offense to the extent authorized by law.

8.3 Correction required. Payment of a fee or penalty does not excuse the violation or eliminate the obligation to correct the condition.

8.4 Other remedies. The District may pursue any remedy authorized by law, including referral to another agency, injunction, cost recovery, or other lawful enforcement action. If state law provides a different penalty, procedure, or remedy, state law controls.

8.5 Local appeal. A person aggrieved by a written interpretation, notice, order, fee, or enforcement action issued under this Code may appeal to the Manatee County Fire Prevention Code Board of Appeals or other board or body designated by the District, unless a different appeal process is required by law.

Section 9: Repealer, severability, and effective date

9.1 Repealer. All District ordinances, rules, regulations, or parts thereof that conflict with this Code are repealed to the extent of the conflict.

9.2 Severability. If any provision of this Code is held invalid or unenforceable, the remaining provisions shall remain in effect to the fullest extent permitted by law.

9.3 Effective date. This Code shall take effect on the effective date of the adopting ordinance.

Section 10: Board of Appeals

10.1 Whenever any person, firm or corporation is of the opinion that they have been aggrieved, pursuant to Chapter 69A-60, Florida Fire Prevention Code, they may seek relief from such decision(s) as interpreted by the Fire Marshal from the Manatee County Fire Prevention Code Board of Appeals. Appeal procedures to the Manatee County Fire Prevention Code Board of Appeal are available by contacting The Bureau of Fire Prevention, Inspection, and Investigation at bureau@wmfr.org and may be amended from time to time.