

ALABAMA FORESTRY COMMISSION
FOREST PROTECTION DIVISION
ADMINISTRATIVE CODE

CHAPTER 390-X-8
CERTIFICATION AND DECERTIFICATION
OF VOLUNTEER FIRE DEPARTMENTS

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390-X-8-.07 Default Decertification.

(a) If a volunteer fire department certified by the Alabama Forestry Commission in any way refuses to allow a decertification inspection required by ALA. ADMIN. CODE § 390-X-8-.05, or if a department fails to respond to any notice of a decertification inspection within 30 days of its issuance, then that department shall be in default.

(b) Once a department is in default, the State Forester shall give written notice to the department that its continued refusal to allow a decertification inspection, or its continued failure to respond to a notice of a decertification inspection, can result in summary decertification of the department.

(c) If the department thereafter continues to be in default for a period of no less than 30 days, the State Forester may recommend to the Alabama Forestry Commission that the department be summarily decertified. The Commission may then act upon the recommendation in the manner provided in ALA. ADMIN. CODE § 390-X-8-.06.

Author: Scott L. Rouse

Statutory Authority: Code of Ala. 1975, § 9-3-17(e)

History: New regulation proposed October 31, 2018

390-X-8-.08 Voluntary Decertification.

(a) Any volunteer fire department certified by the Alabama Forestry Commission may decide at any time to voluntarily relinquish its certification, regardless of whether a decertification inspection has been requested or performed.

(b) To effectuate a voluntary decertification, the governing body of the department must adopt a resolution expressly relinquishing certification of the department, and that resolution must be transmitted in writing to the State Forester (or his or her designee). After such resolution is received, the department shall cease to be recognized as a volunteer fire department without need of further action by the Alabama Forestry Commission.

(c) In the event a department no longer has a functioning governing body, the current chief of the department may submit a written request for voluntary decertification to the State Forester (or his or her designee). The request must include a sworn affidavit from the current chief attesting to the department's lack of a functioning governing body and confirming that no other person or legal entity has authority over the department. After the request and affidavit are received and acknowledged in writing by the State Forester, the department shall cease to be recognized as a volunteer fire department without need of further action by the Alabama Forestry Commission.

(d) If the State Forester determines at any time that a written request, affidavit or resolution provided pursuant to this rule contains a material misrepresentation of facts or was otherwise submitted in bad faith, the State Forester shall have the discretion to summarily reinstate the affected department's certification without requiring it to comply with the process set forth in ALA. ADMIN. CODE § 390-X-8-.03.

Author: Scott L. Rouse

Statutory Authority: Code of Ala. 1975, § 9-3-17(e)

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