

**CERTIFICATION OF EMERGENCY RULES
FILED WITH THE
LEGISLATIVE SERVICES AGENCY
OTHNI LATHRAM, DIRECTOR**

Pursuant to Code of Alabama 1975, §§41 22 5(b) and 41 22 6(c) (2)a. and b.

I certify that the attached emergency new rule is a correct copy as promulgated and adopted on Tuesday, November 21, 2023.

AGENCY NAME: Alabama Forestry Commission

RULE NO. AND TITLE: 390-X-1-.05 DROUGHT EMERGENCY DECLARATION
(SPECIFIED COUNTIES)

EXPIRATION DATE OF RULE: Wednesday, March 20, 2024

NATURE OF EMERGENCY: Severe drought conditions in specified counties in the State of Alabama have produced extraordinary danger from fire, necessitating this emergency rule. This rule will prohibit outdoor burning in specified counties within the State of Alabama. This rule shall supersede all previous emergency drought regulations.

STATUTORY AUTHORITY: ALA. CODE § 9-13-140

**SUBJECT OF RULE TO BE ADOPTED
ON A PERMANENT BASIS:** No

**NAME, ADDRESS, AND TELEPHONE
NUMBER OF PERSON TO CONTACT
FOR COPY OF RULE:** Scott L. Rouse, General Counsel
Alabama Forestry Commission
P. O. Box 302550
Montgomery, AL 36130-2550
(334) 240-9300
scott.rouse@forestry.alabama.gov

Scott L. Rouse

Scott L. Rouse

Signature of officer authorized
to promulgate and adopt rules and
regulations or his or her deputy

REC'D & FILED
NOV 21, 2023
LEGISLATIVE SVC AGENCY

390-X-1-.05

DROUGHT EMERGENCY DECLARATION (SPECIFIED COUNTRIES).

The Alabama Forestry Commission, by and through its State Forester and pursuant to Ala. Code § 9-13-140, hereby declares that emergency drought conditions exist which produce extraordinary danger of wildfires in the following specified counties in the State of Alabama:

Blount, Calhoun, Cherokee, Clay, Cleburne, Etowah, Jefferson, Randolph, Shelby, St. Clair, and Talladega.

Pursuant to this emergency rule, and until this declaration is superseded or rescinded, it shall be unlawful, in any of the above-named counties in the State of Alabama, for any person to set fire to any forest, grass, woods, wildlands, or marshes or to build a campfire or bonfire or to burn trash or other material that may cause a forest, grass, or woods fire. Anyone who violates this prohibition shall be subject to criminal sanctions in accordance with Ala. Code § 9-13-142.

This emergency regulation shall supersede Rule 390-X-1-.04, which

previously declared a 34-county drought emergency.

Author: Scott L. Rouse

Statutory Authority: ALA. CODE § 9-13-140

History: Statewide emergency drought declaration approved by Governor Kay Ivey on November 8, 2023; promulgated as emergency regulation (Rule 390-X-1-.03), which was made effective on November 9, 2023 (8:00 a.m.); superseded by 34-county emergency drought declaration regulation (Rule 390-X-1-.04), which became effective on November 17, 2023 (5:00 p.m.); this emergency drought declaration for a more limited number of counties shall become effective on November 22, 2023 (8:00 a.m.).

Penalty: As provided in ALA. CODE § 9-13-142

390-X-1-.05

DROUGHT EMERGENCY DECLARATION (SPECIFIED COUNTRIES) .

The Alabama Forestry Commission, by and through its State Forester and pursuant to Ala. Code § 9-13-140, hereby declares that emergency drought conditions exist which produce extraordinary danger of wildfires in the following specified counties in the State of Alabama:

Blount, Calhoun, Cherokee, Clay, Cleburne, Etowah, Jefferson, Randolph, Shelby, St. Clair, and Talladega.

Pursuant to this emergency rule, and until this declaration is superseded or rescinded, it shall be unlawful, in any of the above-named counties in the State of Alabama, for any person to set fire to any forest, grass, woods, wildlands, or marshes or to build a campfire or bonfire or to burn trash or other material that may cause a forest, grass, or woods fire. Anyone who violates this prohibition shall be subject to criminal sanctions in accordance with Ala. Code § 9-13-142.

This emergency regulation shall supersede Rule 390-X-1-.04, which

previously declared a 34-county drought emergency.

Author: Scott L. Rouse

Statutory Authority: ALA. CODE § 9-13-140

History: New Rule (ER): Filed November 21, 2023; effective November 21, 2023; expires 120 days, March 20, 2024.

Penalty: As provided in ALA. CODE § 9-13-142