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TITLE 250 - DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

CHAPTER 70 - DIVISION OF FOREST ENVIRONMENT

SUBCHAPTER 00 - N/A

PART 2 - Rules and Regulations Relative to Forest Fire Personnel and Forest Fires and Prevention

2.1 Purpose

The purpose of these rules and regulations is to govern designation of forest fire districts, rate of compensation for equipment used on forest fires, patrols during drought, and restrictions on attended open air fires.

2.2 Authority

These rules and regulations are promulgated pursuant to Chapter 42-17.1, Environmental Management, and Chapter 2-12.5, Forest Fires and Prevention, and in accordance with Chapter 42-35, Administrative Procedures, of the R.I. Gen. Laws.

2.3 Application

The terms and provisions of these rules and regulations shall be liberally construed to permit the Department to effectuate the purposes of state law, goals, and policies.

2.4 Designation of Forest Fire Districts

- A. The designation of a specific forest fire district and/or jurisdiction by a fire chief shall be made by said chief on a recognizable and acceptable map, clearly defined, signed and dated by said chief and transmitted to the Director of the Department of Environmental Management.
- B. Duplicate and/or overlapping areas of jurisdiction by more than one fire chief should not be in conflict with the respective fire department's charter and if this conflict does occur it shall be resolved at the local level before transmitting said specific jurisdictional area map to the Director of the Department of Environmental Management.

2.5 Rate of Compensation

- A. Payment statewide for fire vehicles used under the direction of a fire chief or senior officer in the extinguishment of a forest fire shall be for the full amount (100 percent) and at the rate of twenty-five dollars (\$25.00) per hour per vehicle.

1. A fire vehicle is defined as either a vehicle with a water tank having a capacity of at least one hundred twenty-five (125) gallons mounted on the body of the vehicle and with a pump capable of discharging water at a rate of at least twenty (20) gallons per minute, or a vehicle with a tank of at least one thousand (1,000) gallons capacity and capable of discharging water to another fire vehicle or to a portable water tank.
 2. Not accepted as fire vehicles are any other vehicles used by a fire department not meeting the above criteria; including, but not limited to, ladder trucks, rescue vehicles, ambulances, pick-up trucks, chief's cars, or all-terrain vehicles.
- B. Payments for expendable (and consumed) supplies such as wetting agents, fire retardants, and other fire extinguishing chemicals used on a fire will be reimbursed at one hundred percent (100%) of the cost provided however; that invoices to the fire department showing that said supplies were purchased prior to the date of the fire being billed accompany all such claims for reimbursement.
- C. Payment for out-of-state assistance in Rhode Island (and not recognized as compact aid under the provisions of the Northeast Forest Fire Protection Compact) will be for full cost and shall be made at the same rate per person per hour consistent with R.I. Gen. Laws §§ 2-11-3 and 2-12-6, and at the same rate per fire vehicle and/or expended supplies as specified in these regulations.
- D. A separate forest fire bill for out-of-state assistance will be completed by the respective Rhode Island fire chief requesting said assistance, using the standard billing form. Said fire chief will attach this bill to that for his/her fire department and include it as part of the total invoice for payment.

2.6 Patrols During Drought

Forest fire patrol vehicles employed during drought shall be fire vehicles as defined in these regulations and shall have functional two-way radio communications.

2.7 Restriction on Attended Open Air Fires

- A. Burning by any person in rubbish burners, incinerators and/or outside fireplaces must be attended and must be done before 10:00 A.M. and/or after 5:00 P.M. during the period of March 15th to May 15th except when snow covers the ground, rain is falling, or a written permit to kindle fire in the open air has been issued to burn in rubbish burner, incinerator, or outside fireplace by an authorized representative of the director of the department of environmental management.
- B. Burning on state property, at all times, or brush piles, grass, debris, or any other materials in the open air and on or adjacent to forest land requires a written permit to kindle fire.

- C. An open air fire shall be construed to mean any fire in the outdoors or in a structure not completely enclosed by walls and a roof.

2.8 Severability

If any provision of these Rules and Regulations, or the application thereof to any person or circumstance, is held invalid by a court of competent jurisdiction, the validity of the remainder of the Rules and Regulations shall not be affected thereby.

2.9 Superseded Rules and Regulations

On the effective date of these Rules and Regulations, all previous Rules and Regulations, and any policies regarding the administration and enforcement of Chapters 42-35, and R.I. Gen. Laws § 2-12-5, shall be superseded. However, any enforcement action taken by, or application submitted to, the Department prior to the effective date of these Rules and Regulations shall be governed by the Rules and Regulations in effect at the time the enforcement action was taken, or the application filed.