



Department of Military Affairs and Public Safety

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Imminent Risk of Harm to Public Safety List

§87-6-10. Grounds for Denial, Restriction, Suspension or Revocation of Recognition or Certification.

10.1. Right to a Hearing

a. The State Fire Commission may not suspend, revoke, or place probationary restrictions upon, the recognition of an existing, recognized local fire department without a prior hearing, unless the local fire department explicitly and formally waives the right to a hearing.

b. The Commission may deny an application for certification or refuse to issue a certification without a prior hearing, upon entry of a written order stating the findings of the Commission and the reasons for the denial or refusal; Provided, that the local fire department or proposed new department may request a hearing upon the action of the Commission and shall be afforded a reasonably prompt hearing following such demand.

c. The State Fire Commission hereby grants authority to the State Fire Marshal to order a local fire department to suspend fire-fighting and rescue operations as a temporary, emergency measure when the continued operations of that department pose a substantial and imminent risk of harm to public safety, which may also include risk of harm to members of the local department. If the State Fire Marshal issues an order to suspend operations, the State Fire Marshal shall immediately make arrangements with the local 911 call center and surrounding fire departments to provide coverage for the affected fire protection district, and the State Fire Marshal shall, within forty-eight (48) hours, notify the Commission's Chair or Vice-Chair of the order and the specific grounds for the action taken. The Commission shall provide a hearing to the local fire department upon the grounds cited within thirty (30) days and, following the hearing, the Commission may approve, rescind, modify, or extend the order as an official order of the Commission. An order to suspend operations does not constitute a suspension of recognition of the local fire department.

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1. No Insurance Worker Compensation, Liability or Property Coverage
2. SCBA Cylinders and/or SCBA Air Packs are out of service life.

***Note: This List is not all inclusive**