

# Letter of the Law

## Legal Duties of a City Fire Chief

*By Aisia Davis*

While there is not a specific state law that requires a city to have a fire chief, various state laws deal with the legal duties of a fire chief, including responsibilities related to fire department licensure, firefighter training and education, the uniform fire code, and retirement funds. Operating a fire department without an appointed fire chief would make fulfilling some vital operational duties unfeasible. Although staffing issues in fire departments are not new, cities are facing challenges attracting and retaining firefighters at all levels, let alone leadership roles like a fire chief with numerous statutory responsibilities.

### Human resources and retirement fund duties

Minnesota Statutes, section 299N.05 places specific obligations on the fire chief with respect to creating and maintaining documentation on a city's selection process to license department firefighters, including:

- Completing employment verification.
- Verifying certification requirements.
- Completing renewal applications.
- Ensuring every full-time firefighter has a license issued by the board.
- Verifying affiliation with a Minnesota fire department.
- Retaining proper training records and reports.

Pursuant to Minnesota Statutes, section 299F.035, subd. 2(a), fire chiefs must also conduct a background check on all applicants for employment and may conduct checks on current employees at a fire department.

The fire chief of a fire department with firefighters who are active members of either the lump-sum retirement division or the monthly benefit retirement division of the Statewide Volunteer Firefighter Retirement Plan (SVFRP) must certify good time service credits. Fire chiefs also have various duties specifically to modify a department's retirement benefit plan document.

**The department should develop documentation of the fire chief position** to ensure critical organizational intelligence is obtained and retained.

Fire chiefs also have various responsibilities related to fire relief associations, including serving on the board of trustees of the relief association that is directly associated with the city fire

department.

Fire chiefs of a municipal fire department, a joint powers fire department, or an independent nonprofit firefighting corporation directly associated with the volunteer firefighter relief association must also:

- Certify annually the service credit for the previous calendar year of each volunteer firefighter rendering active service with the fire department.
- Notify each volunteer firefighter rendering active service with the fire department of the amount of service credit rendered by the firefighter for the previous calendar year.
- Certify compliance for retirement coverages.

## State Fire Code and miscellaneous duties

Fire chiefs are also responsible for various provisions under the Minnesota State Fire Code, including ensuring required fire protection systems and features are provided for new building construction projects, responding to fire code complaints, and enforcing the state's flammable liquids and explosives rules.

State statute also requires fire chiefs to investigate fire cause and origin on any fire when the damage exceeds \$100. If a city does not have a fire department, this duty becomes the responsibility of the mayor.

To qualify for state aid, a fire department must have a minimum of 10 paid or volunteer firefighters, including a chief and an assistant chief. The city clerk and fire chief must jointly certify that the fire department exists and meets the qualification requirements.

Fire chiefs also have specific responsibilities under statute related to firework display applications, vehicle lights, special license plates, insurance settlement escrow accounts, among other duties.

## Prepare now to fill leadership roles

Cities may also consider consolidating fire departments via a joint powers department. In a consolidated joint powers department approach, two or more cities agree under the joint powers law to create a joint board consisting of one or more representatives from each of the participating units with the effective power to run the department. Attracting and retaining leadership may be easier if cities collaborate and pool their resources. That said, employment and human resources concerns should be thoughtfully addressed in relevant policies to ensure the success of a merged entity.

Cities should also consider succession planning in relation to fire department personnel, including an emergency plan for key staff like the fire chief. If the fire chief leaves unexpectedly or due to retirement, the fire department should have a plan about who can move into that position, if needed. The department should develop documentation of the fire chief position to ensure critical organizational intelligence is obtained and retained. Offering employee training and professional development to current employees can prepare them to assume the fire chief position.

The ensuing years will likely continue to be challenging with respect to hiring and retaining leadership roles in city fire departments. Cities that consider creative approaches and build their own talent will have more success in the future.

For more information, see the League of Minnesota Cities' Fire Department Management and Liability Issues information memo at [lmc.org/firedept](http://lmc.org/firedept).

*Aisia Davis is a research attorney with the League of Minnesota Cities. Contact: [adavis@lmc.org](mailto:adavis@lmc.org) or (651) 281-1271.*

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*For editorial questions:*

**Contact Adam Wahlberg**  
Publications & Web Editor  
(651) 281-1218  
[awahlberg@lmc.org](mailto:awahlberg@lmc.org)