

shafts, caves, and open pits of such mines a fence, barrier, appropriate signs, or combination of them, suitable to warn of the presence of shafts, caves, or open pits and reduce the possibility of accidentally falling into these shafts, caves, or open pits. If the mine has been idled or abandoned, or if the person, firm, or corporation that has been engaged in the business of mining no longer exists, the fee owner shall erect the fence, barrier, or signs required by this section. If the fee owner fails to act, the county in which the mining operation is located may, in addition to any other remedies available, abate the nuisance by erecting the fence, barrier, or signs and assessing the costs and related expenses pursuant to section 429.101.

Sec. 3. Minnesota Statutes 2016, section 180.03, subdivision 4, is amended to read:

Subd. 4. **Exemptions.** (a) Any excavation, cave, open or water-filled pit, or shaft, or any portion thereof, is exempt from the requirements of this section:

(1) on property owned, leased, or administered by the Office of the Commissioner of Iron Range Resources and Rehabilitation;

(2) for the construction, operation, maintenance, or administration of:

(i) grant-in-aid trails as defined in section 85.018;

(ii) any property owned or leased by a municipality, as defined in section 466.01, subdivision 1, that is intended or permitted to be used as a park, as an open area for recreational purposes, or for the provision of recreational services, including the creation of trails or paths without artificial surfaces; and

(iii) any recreational use, as generally defined in section 604A.21, subdivisions 5 and 6, provided the use is administered by a municipality, as defined in section 466.01, subdivision 1;

(3) for economic development pursuant to chapter 469; or

~~Upon written application, (4) for property the county mine inspector may exempt from the requirements of subdivision 2, any abandoned excavation, open pit, or shaft which~~
exempts upon written application, if the property is provided with fencing, barriers, appropriate signs, or combinations of them, in a manner that is reasonably similar to the standards in subdivision 2, or which in the inspector's judgment does not constitute a safety hazard.

(b) Where an exemption applies, there shall be, at a minimum, appropriate signs posted, consistent with the requirements of section 97B.001, subdivision 4, at each location of public access to the mining area:

(1) restricting access to designated areas and warning of possible dangers due to the presence of excavations, caves, open or water-filled pits, or shafts;

(2) prohibiting public access beyond the boundaries of the designated public access area; and

(3) identifying areas where the property on which public access is allowed abuts private property.

Sec. 4. Minnesota Statutes 2016, section 180.10, is amended to read:

180.10 REMOVAL OF FENCE; GUARD.

A worker, employee, or other person who opens, removes, or disturbs any fence, guard, barrier, sign, or rail required by section 180.03, and fails to close or replace or have the same closed or replaced again around or in front of any mine shaft, pit, chute, excavation, cave, or land liable to cave, injure, or destroy, whether by accident, injury, or damage results, either to the mine or those at work therein, or to any other person, shall be guilty of a misdemeanor. A worker, employee, or other person who, in regard to any fence, guard, barrier, sign, or rail, does any of the acts prohibited by section 609.52, commits theft of the fence, guard, barrier, sign, or rail may be sentenced as provided in section 609.52.