

## CHAPTER 180

### MINE INSPECTORS

180.03 Duties.  
180.10 Removal of fence; guard.

#### 180.03 DUTIES.

*[For text of subd 1, see M.S.1984]*

Subd. 2. Every person, firm or corporation that is or has been engaged in the business of mining or removing iron ore, taconite, semitaconite or other minerals except sand, crushed rock and gravel by the open pit method in any county which has appointed an inspector of mines pursuant to section 180.01 shall erect a fence, barrier, appropriate signs, or combination of them, as directed by the inspector, along the outside perimeter of the excavation, open pit, or shaft of any mine in which mining operations have ceased for a period of six consecutive months or longer. However, in residential and developed areas, along major roads, and in areas of hazardous conditions, the following described fencing must be erected, unless exempted by the county mine inspector under subdivision 4. This fencing must consist of two-inch by four-inch mesh fencing; the top and bottom wire shall not be less than nine gauge and the filler wire shall not be less than 11 gauge; the fencing shall be not less than five feet in height with two strands of barbed wire six inches apart affixed to the top of the fence; and the fence posts shall be no more than ten feet apart. In the case of open pit mines in which mining operations cease after November 1, 1979, and before March 1, 1980, the fence, barrier, signs, or combination of them shall be erected as soon as possible after March 1, 1980. Where mining operations cease on or after March 1, 1980, the fence, barrier, signs, or combination of them shall be erected forthwith. In the case of open pit mines in which mining operations had ceased for a period of six consecutive months or longer before November 1, 1979, and not resumed, the fence, barrier, signs, or combination of them shall be erected within two years from the current date. Any fence, barrier, signs, or combination of them, required by an inspector of mines pursuant to subdivision 3 or other applicable law, shall meet the standards of this section as a minimum. This subdivision does not apply to any excavation, open pit, or shaft, or any portion thereof, exempted from its application by the commissioner of natural resources pursuant to laws relating to mineland reclamation, exempted from its application by the iron range resources and rehabilitation board under actions taken by the board, or exempted from its application by the county mine inspector pursuant to subdivision 4.

Subd. 3. When any mine is idle or abandoned it shall be the duty of the inspector of mines to notify the person, firm, or corporation that is or has been engaged in the business of mining to erect and maintain around all the shafts, caves, and open pits of such mines a fence, barrier, appropriate signs, or combination of them, suitable to prevent persons or domestic animals from accidentally falling into these shafts, caves or open pits. 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. The notice shall be in writing and be served upon such person, firm, corporation or fee owner by certified mail.

Subd. 4. Upon written application, the county mine inspector may exempt from the requirements of subdivision 2, any abandoned excavation, open pit, or shaft which is provided with fencing, barriers, appropriate signs, or combinations of them,

in a manner that is reasonably similar to the standards set forth in subdivision 2, or which in his judgment does not constitute a safety hazard.

**History:** *1Sp1985 c 13 s 287-289*

#### **180.10 REMOVAL OF FENCE; GUARD.**

Any workman, employee, or other person who shall open, remove, or disturb any fence, guard, barrier, or rail and not close or replace or have the same closed or replaced again around or in front of any shaft, test pit, chute, excavation, cave, or land liable to cave, injure, or destroy, whereby 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 workman, employee, or other person who, in regard to any fence, guard, barrier, or rail, does any of the acts prohibited by section 609.52, commits theft of the fence, guard, barrier, or rail may be sentenced as provided in section 609.52.

**History:** *1Sp1985 c 13 s 290*