

**180.03 DUTIES.**

Subdivision 1. **Inspections.** The duties of the inspector of mines shall be to visit all mining operations for which a permit to mine has been obtained from the commissioner of natural resources in the inspector's county at least once every 90 days and more often if requested so to do as hereinafter provided, and closely inspect the mines so visited and condemn all such places where the employees are in danger from any cause. In the event that the inspector of mines finds that a place is dangerous from any cause, it shall be the inspector's duty immediately to order those engaged in the work at that place to cease work, and notify the superintendent, agent, or person in charge to secure the place from the existing danger, which notification or order shall be in writing, clearly define the limits of the dangerous place, and specify the work to be done or change to be made to render the same secure, ordinary mine risks excepted. It shall be the duty of the inspector of mines to order the person, persons, or corporation working any mine, or the agent, superintendent, lead supervisor, or other person having immediate charge of the working of any mine, to mitigate the identified hazard.

Subd. 2. **Fences.** 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 shall erect and maintain, as a minimum, a three strand wire fence 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. Based upon local site conditions that may exist at shafts, caves, or open pits, the county mine inspector may require more secure fencing such as barbed wire or mesh fence, or may require barriers, appropriate signs, or any combination of the above, to reduce the possibility of accidental falls. The county mine inspector may grant exemptions under subdivision 4. Where mining operations have ceased and not resumed, the fence, barrier, signs, or combination of them shall be erected within two years from the date when the county mine inspector directs the erection of fences, barriers, signs, or combination of them.

Subd. 3. **Abandoned mines.** When a mine is idle or abandoned it is 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 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.

Subd. 4. **Exemptions.** 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 in subdivision 2, or which in the inspector's judgment does not constitute a safety hazard.

Subd. 5. [Repealed by amendment, 2013 c 38 s 4]

**History:** (4235) 1905 c 166 s 3; 1951 c 687 s 3; 1978 c 596 s 1; 1979 c 333 s 91; 1980 c 614 s 98; 1982 c 639 s 34; 1983 c 156 s 1; 1984 c 654 art 2 s 119; 1Sp1985 c 13 s 287-289; 1986 c 444; 1988 c 530 s 5,6; 1994 c 642 s 6; 2013 c 38 s 4