

## CHAPTER 180

### MINE INSPECTORS

180.01	APPOINTMENT.	180.07	INSPECTION REQUESTED, EXAMINATION.
180.015	DEFINITIONS.	180.08	ACCIDENTS; NOTICE, INVESTIGATION.
180.02	QUALIFICATIONS, OATH.	180.10	REMOVAL OF FENCE; GUARD.
180.03	DUTIES.	180.11	ANNUAL REPORT.
180.04	REQUIRING EMPLOYEES TO WORK AFTER ORDER TO CEASE; LIABILITY OF EMPLOYER.	180.12	VIOLATIONS.
180.05	INSPECTOR, POWERS; OWNER, DUTIES.	180.13	NEGLECT OF INSPECTOR.

#### 180.01 APPOINTMENT.

The board of commissioners of any county in this state, where there are at least five mines situate and in operation, is authorized and directed to enforce the provisions of this chapter by designating the appropriate individual or individuals to discharge the duties of county mine inspector. During periods of transition of up to 12 months, or for counties where less than five mines are situated and in operation, the county may designate an appropriate county officer that is exempt from the qualifications in section 180.02. Acts or omissions of a mine inspector, whether statutory or discretionary, are acts or omissions as defined in section 466.03, subdivision 5 or 6.

**History:** (4233) 1905 c 166 s 1; 1951 c 687 s 1; 1986 c 444; 1988 c 530 s 4; 2013 c 38 s 1

#### 180.015 DEFINITIONS.

Subdivision 1. **Scope.** The terms defined in this section have the meanings given.

Subd. 2. **Mine inspector.** "Mine inspector" or "inspector of mines" means the person designated by the county as the county mine inspector, and includes any assistant mine inspectors.

Subd. 3. **Mine waste.** "Mine waste" means any material, such as surface overburden, rock, lean ore, or tailings, which in the process of mining and beneficiation has been removed from the earth and stored elsewhere on the surface.

Subd. 4. **Mining.** "Mining" means the process of removing; stockpiling; processing; storing; transporting, excluding use of common carriers and public transportation systems; and reclaiming any material in connection with the commercial production of metallic minerals. This includes exploration activities such as the taking of large bulk samples.

Subd. 5. **Mining area or area subjected to mining.** "Mining area" or "area subjected to mining" means an area of land from which material is removed in connection with the production or extraction of metallic minerals; the lands on which material from the mining is deposited; the lands on which beneficiating plants, heap and dump leaching facilities, and auxiliary facilities are located; lands on which the water reservoirs used in the mining process are located; and auxiliary lands that are used or intended to be used in a particular mining operation.

Subd. 6. **Mining operation.** "Mining operation" means all of a mining project without regard to political, administrative, or ownership boundaries, which includes mining area, mine waste, and all of the facilities used in mining as defined in this chapter.

Subd. 7. **Reportable accident.** "Reportable accident" means:

- (1) a death of any individual on mine property;
- (2) an injury that has a reasonable potential to cause death;
- (3) mine fires that result in evacuation of miners or cause significant damage to structures or equipment at a mine;
- (4) all explosions, including methane, dust, or unplanned detonation of explosives or blasting agents;
- (5) coal or rock outbursts, including bumps or bounces, that result in injury or evacuation of an area, or that interrupt production for more than 30 minutes;
- (6) inundations by liquid or gas;
- (7) entrapment of any person requiring mine rescue efforts;
- (8) any unstable condition at an impoundment or refuse pile that requires emergency corrective action to prevent failure or requires evacuation;
- (9) any accident at a mine that is likely to be the subject of immediate or extraordinary media interest; or
- (10) a death of any individual off-mine property resulting from activities, such as flyrock, on mine property.

**History:** 2013 c 38 s 2

### **180.02 QUALIFICATIONS, OATH.**

Previous to appointment the inspector shall have had at least two years of practical experience in mining and mining-related safety work. Before entering upon the discharge of the duties of office, the inspector shall take an oath before a person authorized by law to administer oaths to support the Constitution of the United States and the Constitution of the state of Minnesota, and that the inspector will faithfully, impartially, and to the best of ability discharge the duties of office, and file a certificate of having done so in the office of the county auditor.

**History:** (4234) 1905 c 166 s 2; 1911 c 133 s 1; 1921 c 7 s 1; 1951 c 687 s 2; 1953 c 259 s 1; 1957 c 310 s 1; 1986 c 444; 2013 c 38 s 3

### **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 required by this section 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.** Except as described in subdivision 4, 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 and maintain 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 or maintaining the fence, barrier, or signs and assessing the costs and related expenses pursuant to section 429.101.

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

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

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

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

(ii) 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, an open area for recreational purposes, or for the provision of recreational services, including the creation of trails or paths without artificial surfaces; or

(iii) recreational use, as 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) it is for economic development purposes under chapter 469; or

(4) upon written application by the property owner, the county mine inspector determines that it 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 if, in the inspector's judgment, it does not constitute a safety hazard.

(b) Where an exemption applies, there shall be, at a minimum, appropriate signs posted by the recipient of the exemption consistent with section 97B.001, subdivision 4:

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

- (2) prohibiting public access beyond the boundaries of the designated public access area; and
- (3) identifying those areas where the property on which public access is allowed abuts private property.

(c) Where an exemption applies, to reduce the possibility of inadvertent access beyond the boundaries of the designated public access area, any new fencing erected by the recipient of the exemption in accordance with subdivision 2 or 3 shall be maintained by the recipient of the exemption.

(d) Notwithstanding section 180.10, limited openings in preexisting fencing may be created and maintained by the recipient of the exemption or its agent to provide public access to the designated public access area.

(e) The county mine inspector has the authority to enter, examine, and inspect any and all property exempted under this section at all reasonable times by day or by night, and, in addition to enforcing the provisions of this chapter, may make recommendations regarding the erection of fences, barriers, signs, or a combination of them.

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; 2018 c 154 s 1-3

#### **180.04 REQUIRING EMPLOYEES TO WORK AFTER ORDER TO CEASE; LIABILITY OF EMPLOYER.**

If a person is required to continue work in a place in which the inspector of mines has ordered employees to cease work, except to do the work required by the inspector to be done in order to render the place safe, ordinary risks of mining excepted, the persons or corporations requiring employees to work in the place shall be liable for all accidents causing injury or death to any employee arising by reason of the place not having been repaired or changed as required by the inspector.

**History:** (4236) 1905 c 166 s 4; 1986 c 444; 2013 c 38 s 5

#### **180.05 INSPECTOR, POWERS; OWNER, DUTIES.**

It shall be lawful for the inspector of mines or assistant inspector to enter, examine, and inspect any and all mining operations and machinery belonging to the mine owner, operator, or agent at all reasonable times by day or by night, but so as not to obstruct or hinder the necessary workings of the facility. At the request of the inspector of mines, the owner, operator, or agent of a mining operation shall furnish for inspection:

- (1) all maps, drawings, and plans of the mining facility, together with the plans of all contemplated changes;
- (2) a suitable person, who shall be chosen by the inspector from a list containing at least three candidates, submitted by a majority of employees of the mine, to accompany the inspector through the mining operation;
- (3) any necessary equipment to make a proper inspection; and
- (4) all necessary facilities for such entry, examination, and inspection.

Upon receipt of a written request made by the inspector of mines, refusal to permit the inspection, or to furnish the necessary facilities for entry, examination, and inspection, shall be deemed a gross misdemeanor.

**History:** (4237) 1905 c 166 s 5; 1951 c 687 s 4; 1984 c 628 art 3 s 11; 1986 c 444; 2013 c 38 s 6

**180.06** [Repealed, 2013 c 38 s 12]

#### **180.07 INSPECTION REQUESTED, EXAMINATION.**

When 20 or more persons working in any mine or place where mining is done, or the owner, operator, or agent of any mine, or the certified collective bargaining agent for the employees of said mine, shall notify the inspector of mines in writing that services are needed the inspector shall immediately make an inspection thereof and examine as to the necessary precautions and general safety of the mines and see that all the provisions of this chapter are observed and strictly carried out.

**History:** (4239) 1905 c 166 s 7; 1951 c 687 s 5; 1986 c 444

#### **180.08 ACCIDENTS; NOTICE, INVESTIGATION.**

Upon the occurrence of a reportable accident, it is the duty of the manager or designee of the mine to give notice to the inspector of mines, as soon as practical but at least within one hour of stabilization of the accident scene, stating the particulars of the accident. Upon notification, the inspector shall, if the inspector deems it necessary, go immediately to the scene of the accident and make suggestions and render assistance as the inspector may deem necessary in the premises and personally investigate the cause of the accident and take steps as the inspector may deem necessary for the safety of the employees of the mine and to prevent accident of a like or similar nature. The inspector shall be accompanied by three persons appointed by the manager or other person in charge of the mine and by three persons appointed by a majority of the employees of the mine. The requirement for accompaniment may be modified by a waiver signed by representatives from the employees, management, and inspector.

**History:** (4240) 1905 c 166 s 8; 1951 c 687 s 6; 1986 c 444; 2013 c 38 s 7

**180.09** [Repealed, 2013 c 38 s 12]

#### **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.

**History:** (4242) 1905 c 166 s 10; 1Sp1985 c 13 s 290; 1986 c 444; 1988 c 530 s 8; 2013 c 38 s 8; 2018 c 154 s 4

#### **180.11 ANNUAL REPORT.**

It is the duty of the inspector of mines to make and file no later than March first each year with the auditor of the county for which appointed a full and complete report of the activities of the mine inspector for each year ending December 31, stating the number of visits and inspections made, the number of mines in operation, the number of mines not in operation, the names of the mines, where located, the owners,

lessees, or managers, the names of the officers, the quantity of ore shipped, the number of workers employed, the number of accidents and description of accidents, and any other information that relates to the subject of mines and mining inspection as the inspector may deem pertinent to the reporting duties of the office.

**History:** (4243) 1905 c 166 s 11; 1923 c 41 s 1; 1923 c 62 s 1; 1947 c 99 s 1; Ex1967 c 1 s 6; 1986 c 444; 2002 c 224 s 1; 2013 c 38 s 9

#### **180.12 VIOLATIONS.**

Subdivision 1. **Owner, operator, or agent.** Any owner, operator, or agent of any mine in this state violating the provisions of this chapter shall, except as otherwise specifically provided, be deemed guilty of a gross misdemeanor.

Subd. 2. **Person in immediate charge.** A person who is in immediate charge of the working of any mine who fails to carry out an order of the inspector, issued pursuant to section 180.03 or who permits, directs, or authorizes any person to work in a manner which violates the provisions of section 180.04 shall upon finding by the district court of the county where the mine is situated that the order of the inspector was not unjust or unreasonable or an abuse of discretion be guilty of a gross misdemeanor. Each time an order of the inspector issued under section 180.04 is not complied with, shall constitute a separate offense. Each offense shall be prosecuted by the attorney having gross misdemeanor jurisdiction for the location of the facility where the offense took place.

**History:** (4244) 1905 c 166 s 12; 1951 c 687 s 7; 1965 c 51 s 37; 1984 c 628 art 3 s 11; 1986 c 444; 2013 c 38 s 10

#### **180.13 NEGLIGENCE OF INSPECTOR.**

Any inspector of mines appointed under this chapter who fails to comply with the requirements of this chapter shall be guilty of a gross misdemeanor. Upon conviction, the inspector shall be fined not less than \$100 nor more than \$3,000 and be dismissed from office. The board of commissioners shall remove the inspector from office for neglect of duty, drunkenness, incompetency, malfeasance in office, or other good cause.

**History:** (4245) 1905 c 166 s 13; 1984 c 628 art 3 s 11; 1986 c 444; 2013 c 38 s 11