

## CHAPTER 180

### MINE INSPECTORS

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#### 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 hereby authorized and directed, on or before the first day of July, 1905, to appoint an inspector of mines, who shall hold office for the term of three years or until his successor is appointed and qualified, and in addition thereto may appoint one assistant inspector for every 20 mines as the board may determine for the purpose of discharging the duties hereinafter prescribed; to fix the compensation and traveling expenses of such inspector or any assistant inspector and provide for the payment of the same, and to remove such inspector or any assistant inspector and appoint another in his place when in the judgment of the board the best interests of the owners and employees of such mines may so require.

**History:** 1905 c 166 s 1; 1951 c 687 s 1 (4233)

#### 180.02 QUALIFICATIONS, SALARY, OATH, BOND.

Each inspector of mines and assistant shall be at least 25 years of age, a citizen of the state, and a resident of the county wherein he is appointed, of good moral character and temperate habits. Previous to his appointment he shall have had practical experience as a miner or otherwise engaged as an employee in mines of the state at least six years, or a mining engineer having had previous to his appointment at least two years of practical experience in iron mines and iron mining and having had at least one year of such experience in this state. He shall not while in office in any way be interested as an owner, operator, agent, stockholder, or engineer of any mine. He shall make his residence or have his office in the mining district of the county for which he is appointed. The salary of each inspector of mines and assistant shall be such sum as shall be fixed by the county board not exceeding \$7,500 per annum, and he shall be allowed actual traveling expenses not to exceed \$1,200 in any one year. He shall file with the county auditor an itemized account of his expenses every three months, verified by his affidavit, showing that they have been incurred in the discharge of his official duties. Before entering upon the discharge of the duties of his office, he shall take an oath before some person authorized by law to administer oaths that he will support the Constitution of the United States and the Constitution of the state of Minnesota, and that he will faithfully, impartially, and to the best of his ability discharge the duties of his office, and file a certificate of his having done so in the office of the county auditor. He shall give bond, payable to the county board, in the penal sum of \$5,000, with sufficient sureties to be approved by the county board, conditioned that he will faithfully discharge the duties of his office and this bond shall be filed with the county auditor.

**History:** 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 (4234)

**180.03 DUTIES.**

Subdivision 1. The duties of the inspector of mines shall be to visit in person or by one of his assistants all the working mines of his county at least once every 90 days and oftener if requested so to do as hereinafter provided, and closely inspect the mines so visited and condemn all such places where he shall find that the employees are in danger from any cause, whether resulting from careless mining or defective machinery or appliances of any nature; he shall compel the erection of a partition between all shafts where hoisting of ore is performed, and where there are ladder ways, where men must ascend or descend going to and from their work. In case the inspector of mines shall find that a place is dangerous from any cause, as aforesaid, it shall be his duty immediately to order the men engaged in the work at that place to quit 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, foreman, or other person having immediate charge of the working of any mine, to furnish all shafts, open pits, caves, and chutes of such mine where danger exists with some secure safeguard at the top of the shaft, open pit, cave, or chute, so as to guard against accidents by persons falling therein or by material falling down the same, also a covering overhead on all the carriages on which persons ascend or descend up and down the shaft, if in his judgment it shall be practicable and necessary for the purpose of safety.

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 two inch by four inch mesh fencing 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. The top and bottom wire shall not be less than 9 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. 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 fencing shall be erected as soon as possible after March 1, 1980. Where mining operations cease on or after March 1, 1980, the fencing 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 fencing shall be erected within three years after November 1, 1979. Any fencing 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 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 or railing 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 fencing 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 fenced 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:** 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 (4235)

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

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

**History:** 1905 c 166 s 4 (4236)

#### **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 mines and machinery belonging thereto at all reasonable times by day or by night, but so as not to obstruct or hinder the necessary workings of such mines, and it shall be the duty of the owner, operator, or agent of every such mine, upon the request of the inspector of mines, or assistant inspector to furnish for his inspection, all maps, drawings, and plans of the mine, together with the plans of all contemplated changes in the manner of working the mine or any part thereof; to furnish him with some suitable person, as he may desire, who shall be chosen from a list containing at least three candidates, submitted by a majority of employees of the mine, to accompany him through the mine, or any part thereof, and to furnish him suitable ladders and other necessary appliances to make a proper inspection and to furnish upon request the inspector of mines with all necessary facilities for such entry, examination, and inspection, and if the owner, operator, or agent refuse to permit such inspection or to furnish the necessary facilities for such entry, examination, and inspection, and continue so to refuse or permit, after written request thereof made by the inspector of mines, such refusal or neglect shall be deemed a gross misdemeanor, and, upon conviction thereof, such owner, operator, or agent shall be punished by a fine of not less than \$500 nor more than \$1,000 for each offense.

**History:** 1905 c 166 s 5; 1951 c 687 s 4 (4237)

#### **180.06 SALARY AND EXPENSES.**

The salary and expenses of the inspector of mines shall be paid out of the treasury of the county for which he is appointed by vouchers similar to those used by other county officials. The board of county commissioners shall furnish the inspector of mines with necessary books, stationery, and supplies.

**History:** 1905 c 166 s 6 (4238)

**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 his services are needed he 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:** 1905 c 166 s 7; 1951 c 687 s 5 (4239)

**180.08 ACCIDENTS; NOTICE, INVESTIGATION.**

When by reason of any accident in any mine loss of life or serious personal injury shall occur it shall be the duty of the manager or superintendent of the mine, and in his absence the person or officer under him in charge of the mine, to give notice thereof forthwith to the inspector of mines, stating the particulars of such accident, and the inspector shall, if he deems it necessary from the facts reported, go immediately to the scene of such accident and make such suggestions and render such assistance as he may deem necessary in the premises and personally investigate the cause of such accident and take such steps as he may deem necessary for the safety of the employees of such 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 to serve in such cases.

**History:** 1905 c 166 s 8; 1951 c 687 s 6 (4240)

**180.09 DUTY OF OWNER; TIMBER FOR SUPPORTS AND PROPS.**

The owner, operator, or agent of any mine shall at all times keep a sufficient and suitable supply of timber and logging on hand when required to be used as supports, props, or otherwise in the mining work so that the workings of such mine may be rendered reasonably safe and secure.

**History:** 1905 c 166 s 9 (4241)

**180.10 REMOVAL OF FENCE; GUARD.**

Any workman, employee, or other person who shall open, remove, or disturb any fence, guard, 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; and, upon conviction thereof, punished by a fine of not exceeding \$50 or imprisonment for not more than 60 days in the county jail for each and every such offense.

**History:** 1905 c 166 s 10 (4242)

**180.11 ANNUAL REPORT.**

It shall be 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 he is appointed, and with the department of labor and industry, a full and complete report of all his acts, proceedings, and doings hereunder for each year ending December 31, stating therein among other things the number of visits and inspections made, the number of mines in operation, the number 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 men employed, the average wages for different kinds of work, the number of accidents, fatal or otherwise,

the cause of such accidents, and such other information in relation to the subject of mines and mining inspection as he may deem of proper interest and beneficial to the mining interests of the state.

**History:** 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 (4243)

#### **180.12 VIOLATIONS.**

Subdivision 1. 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, and for each offense, upon conviction, fined not less than \$100 nor more than \$500.

Subd. 2. Any person who is in immediate charge of the working of any mine who fails to carry out any 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 his discretion be guilty of a gross misdemeanor, and upon conviction thereof, shall be punished as provided in section 609.03. 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 county attorney of the county in which the offense took place.

**History:** 1905 c 166 s 12; 1951 c 687 s 7; 1965 c 51 s 37 (4244)

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

Any inspector of mines appointed hereunder failing to comply with the requirements of this chapter shall be guilty of a gross misdemeanor; and, upon conviction thereof, fined not less than \$100 nor more than \$1,000 and be dismissed from office, and the board of commissioners shall remove him from office for neglect of duty, drunkenness, incompetency, malfeasance in office, or other good cause.

**History:** 1905 c 166 s 13 (4245)