

CHAPTER 533

MINING WASTES

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533.01 Deposits for mine wastes.—Any person engaged in the business of mining any mineral or subterranean product in this state, shall provide necessary places of deposit for the waste, wash, or debris of any mine or mines operated by such person; and shall provide settling pools of sufficient capacity to prevent the escape of waste, wash, or debris into any waters of the rivers and streams of the state, except as provided in s. 533.02.

History.—s. 1, ch. 6202, 1911; RGS 2446; s. 1, ch. 10181, 1925; CGL 3853, 3858.

533.02 Escape of waste, wash, and debris.—It is unlawful for any person to permit or allow the escape of waste, wash, or debris from any mine or mines operated by such person into any of the streams and rivers of this state, but the escape of water slightly discolored shall not be construed as the escape of waste, wash, and debris, nor shall the washing away of water, or debris, due to excessive rains or floods which are beyond the control of persons operating such mine or mines be within the meaning of this chapter.

History.—s. 2, ch. 6202, 1911; RGS 2447; s. 2, ch. 10181, 1925; CGL 3854, 3859.

533.03 On affidavit filed with county commissioners, county to institute suit to enjoin.—Upon the presentation to the board of county commissioners of any county of this state of an affidavit, signed by at least 10 citizens, owning property in such county, which affidavit shall allege that some person conducting mining operations in this state, giving the name thereof, is not using due diligence to prevent the escape of waste or debris from any mine or mines, operated by such person, into

any stream or river of this state, and that such waste or debris is escaping into a stream or river in the county in which the affiants reside, then the board of county commissioners shall immediately institute suit in the name of such county to enjoin such person from allowing waste or debris to escape. No prosecution for perjury shall be had on such affidavit. The joinder of any number of persons as defendants shall be no grounds of objections to the suit, and they may join parties defendants not named in the affidavit if necessary.

History.—s. 3, ch. 6202, 1911; RGS 2448; CGL 3855.

533.04 Venue in county wherein affidavit presented.—The cause of action shall be considered to arise in the county wherein the affidavit shall be presented to the board of county commissioners, and suit shall be commenced therein regardless of where the mine or mines from which the waste or debris is escaping are located.

History.—s. 4, ch. 6202, 1911; RGS 2449; CGL 3856.

533.05 Duty of state attorney; attorney's fee.—In the event the regular attorney of the board of county commissioners, represents any person engaged in mining in this state, the state attorney of the circuit in which the county bringing the suit is situated, shall conduct the suit, and if the injunction shall be granted, the county shall recover from the defendant or defendants such reasonable attorney's fee as shall be allowed by the court, which shall be paid to the attorney conducting the suit, in addition to the compensation regularly paid him.

History.—s. 5, ch. 6202, 1911; RGS 2450; CGL 3857.

533.06 Penalty for violation of ss. 533.01, 533.02.—Any person violating any of the provisions of s. 533.01 or s. 533.02 shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 3, ch. 10181, 1925; CGL 7833; s. 522, ch. 71-136.