

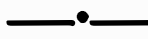
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APPROVED AND SIGNED BY THE GOVERNOR

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OFFICE OF THE GOVERNOR

Date 3-26-83

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1983



ENROLLED

SENATE BILL NO. 53

(By Mr. Brettner)



PASSED March 12 1983

In Effect ninety days from Passage



ENROLLED
Senate Bill No. 53
(BY MR. BOETTNER)

[Passed March 12, 1983; in effect ninety days from passage.]

AN ACT to amend and reenact section four, article twenty-three, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to areas where salvage yards may be established; screening from the public view; issuance of permits by the county planning commission or other designated agency.

Be it enacted by the Legislature of West Virginia:

That section four, article twenty-three, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 23. SALVAGE YARDS.

§17-23-4. Areas where establishment prohibited; screening requirements; existing licensed yards.

1 On and after the effective date of this article, (1) no
2 license shall be issued to establish a salvage yard or any
3 part thereof within one thousand feet of the nearest edge
4 of the right-of-way of any road within the state road
5 system designated and classified or redesignated and
6 reclassified as expressway, trunk line, or feeder, or any
7 road within the state road system designated and classi-
8 fied or redesignated and reclassified for purposes of allo-
9 cation of federal highway funds as part of the federal-aid
10 interstate or primary systems: *Provided*, That this limi-
11 tation shall not apply to landfills established and main-
12 tained by any county or municipality if such landfill is
13 effectively screened and obscured by natural objects,

14 plantings, fences or other appropriate means so as
15 not to be visible from the main traveled way of the sys-
16 tem, and (2) no license shall be issued to establish a
17 salvage yard or any part thereof within three hundred
18 feet of the nearest edge of the right-of-way of any state
19 local service road, unless the view thereof from such state
20 local service road shall be effectively screened and ob-
21 scured by fences: *Provided*, That this limitation shall not
22 apply to landfills established and maintained by any
23 county or municipality if such landfill is effectively
24 screened and obscured by natural objects, plantings, fen-
25 ces or other appropriate means so as not to be visible
26 from the main traveled way of the system.

27 The license of any salvage yard duly issued under the
28 former provisions of this article, which salvage yard or
29 any part thereof on the effective date of this article, is
30 (1) within one thousand feet of the nearest edge of the
31 right-of-way of any road within the state road system
32 designated and classified or redesignated and reclassified
33 as expressway, trunk line, or feeder, or any road within
34 the state road system designated and classified or re-
35 designated and reclassified for purposes of allocation of
36 federal highway funds as part of the federal-aid interstate
37 or primary systems or is (2) within three hundred feet
38 of the nearest edge of the right-of-way of any state local
39 service road, may be renewed only if the view of the said
40 salvage yard and all parts thereof is effectively screened
41 from the adjacent road by natural objects, plantings,
42 fences or other appropriate means.

43 Any salvage yard which, on the effective date of this
44 article, is duly licensed under the former provisions of
45 this article may be established or continue to be operated
46 and maintained without screening by natural objects,
47 plantings, fences or other appropriate means so long as
48 any part of such salvage yard is (1) not located within
49 one thousand feet of any road within the state road
50 system designated and classified or redesignated and re-
51 classified as expressway, trunk line, or feeder, or any
52 road within the state road system designated and classi-
53 fied or redesignated and reclassified for the purposes of

54 allocation of federal highway funds as part of the federal-
55 aid interstate or primary systems or is (2) not located
56 within three hundred feet of the nearest edge of the
57 right-of-way of any state local service road.

58 On or after the first day of July, one thousand nine
59 hundred eighty-three, any owner or operator establish-
60 ing, operating or maintaining a salvage yard for which a
61 license is required under the provisions of section three
62 of this article is hereby required to obtain a permit from
63 the county planning commission, or if the county does
64 not have a county planning commission, from an office
65 or agency designated by the county commission, in which
66 the salvage yard is located. There shall be no charge for
67 the permit. The permit requirement of this section does
68 not apply to any owner or operator who has established,
69 or is operating or maintaining, a salvage yard prior to the
70 first day of July, one thousand nine hundred eighty-three.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Harold E. Bly
Chairman Senate Committee

Ronald Anello
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Todd C. Walker
Clerk of the Senate

Donald L. Kopp
Clerk of the House of Delegates

Walter S. McGraw
President of the Senate

W. M. Lee, Jr.
Speaker House of Delegates

The within *is approved* this the *26*
day of *March*, 1983.

John D. Roper
Governor



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SECY. OF STATE