

# WEST VIRGINIA CODE: §17-23-2

## §17-23-2. Definitions.

As used in this article:

"Abandoned salvage yard" means any unlicensed salvage yard or any salvage yard that was previously licensed but upon which the license has not been renewed for more than one year.

"Commissioner" means the Commissioner of the West Virginia Division of Highways.

"Fence" means an enclosure, barrier or screen constructed of materials or consisting of plantings, natural objects, or other appropriate means approved by the commissioner and located, placed, or maintained so as effectively to screen, at all times, salvage yards and the salvage therein contained from the view of persons passing upon the public roads of this state.

"Occupied private residence" means a private residence which is occupied for at least six months each year.

"Owner or operator" includes an individual, firm, partnership, association or corporation, or the plural thereof.

"Regional distribution and dismantling center" means a facility that removes usable vehicle parts and offers them for resale through a national supply network. The regional distribution and dismantling center (i) does not receive vehicles from individuals; (ii) removes useable parts and stores said parts in an onsite warehouse facility; (iii) removes and processes all fluids and tires from the vehicles; and, (iv) stores the remainder of the vehicle in the confines of the screened property prior to being rotated out of the inventory.

A regional distribution and dismantling center is not a salvage yard as defined in this section.

"Residential community" means an area wherein five or more occupied private residences are located within any 1,000-foot radius.

"Salvage" means old or scrap brass, copper, iron, steel, other ferrous or nonferrous materials, batteries, or rubber and any junked, dismantled or wrecked machinery, machines or motor vehicles or any parts of any junked, dismantled or wrecked machinery, machines or motor vehicles.

"Salvage yard" means any place which is maintained, operated or used for the storing, keeping, buying, selling, or processing of salvage, or for the operation and maintenance of a motor vehicle graveyard: *Provided*, That no salvage yard shall accept, store or process more

than 100 waste tires unless it has all permits necessary to operate a monofill, waste tire processing facility or solid waste facility. Any salvage yard which currently has on its premises more than 100 waste tires not on a vehicle must establish a plan in conjunction with the Department of Environmental Protection for the proper disposal of the waste tires.

"Waste tire" means any continuous solid or pneumatic rubber covering designed to encircle the wheel of a vehicle but which has been discarded, abandoned, or is no longer suitable for its original, intended purpose nor suitable for recapping, or other beneficial use, as defined in §22-15A-2 of this code, because of wear, damage or defect. A tire is no longer considered to be suitable for its original intended purpose when it fails to meet the minimum requirements to pass a West Virginia motor vehicle safety inspection. Used tires located at a commercial recapping facility or tire dealer for the purpose of being reused or recapped are not waste tires.

"Waste tire monofill or monofill" means an approved solid waste facility where waste tires not mixed with any other waste are placed for the purpose of long-term storage for eventual retrieval for marketing purposes.

"Waste tire processing facility" means a solid waste facility or manufacturer that accepts waste tires generated by sources other than the owner or operator of the facility for processing by such means as cryogenics, pyrolysis, pyroprocessing cutting, splitting, shredding, quartering, grinding or otherwise breaking down waste tires for the purposes of disposal, reuse, recycling or marketing.