WEST VIRGINIA CODE: §17-23-4

§17-23-4. Areas where establishment prohibited; screening requirements; existing licensed yards; approval permit required; issuance; county planning commission criteria satisfied; fee.

(a) On and after the effective date of this article: (1) No license may be issued to establish a salvage yard, or any part thereof, within 1,000 feet of the nearest edge of the right-of-way of any road within the state road system designated and classified or redesignated and reclassified as expressway, trunkline or feeder, or any road within the state road system designated and classified or redesignated and reclassified for purposes of allocation of federal highway funds as part of the federal-aid interstate or primary systems: *Provided*, That this limitation may not apply to landfills established and maintained by the state or any county or municipality if such landfill is effectively screened and obscured by natural objects, plantings, fences or other appropriate means so as not to be visible from the main traveled way of the system; and (2) no license may be issued to establish a salvage yard, or any part thereof, within 500 feet of the nearest edge of the right-of-way of any state local service road, unless the view thereof from such state local service road shall be effectively screened and obscured by fences: *Provided, however*, That this limitation may not apply to landfills established and maintained by the state or any county or municipality if the landfill is effectively screened and obscured by natural objects, plantings, fences or other appropriate means so as not to be visible from the main traveled way of the system; and (3) no license may be issued allowing a salvage yard within 1,000 feet of the nearest occupied private residence, unless waived by the owner of such residence, or within 5,000 feet of the nearest occupied private residence which is part of a residential community. The provisions of this paragraph, as amended, shall apply only to salvage yards licensed after April 1, 1988.

(b) The license of any salvage yard duly issued under the former provisions of this article, which salvage yard, or any part thereof, on the effective date of this article, is: (1) Within 1,000 feet of the nearest edge of the right-of-way of any road within the state road system designated and classified or redesignated and reclassified as expressway, trunkline or feeder, or any road within the state road system designated and classified or redesignated and reclassified for purposes of allocation of federal highway funds as part of the federal-aid interstate or primary systems; or is (2) within 500 feet of the nearest edge of the right-of-way of any state local service road; or is (3) within 1,000 feet of the nearest occupied private residence or within 5,000 feet of the nearest occupied private residence which is part of a residential community, may be renewed only if the view of the said salvage yard, and all parts thereof, are effectively screened from the adjacent road by natural objects, plantings, fences or other appropriate means, or a waiver is obtained from the owner of an occupied private residence. The provisions of this paragraph, as amended, shall apply only to salvage yards licensed after April 1, 1988.

(c) Any salvage yard which, on the effective date of this article, is duly licensed under the

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former provisions of this article may be established or continue to be operated and maintained without screening by natural objects, plantings, fences or other appropriate means so long as any part of such salvage yard is: (1) Not located within 1,000 feet of any road within the state road system designated and classified, or redesignated and reclassified as expressway, trunkline or feeder, or any road within the state road system designated and classified or redesignated and reclassified for the purposes of allocation of federal highway funds as part of the federal-aid interstate or primary systems; or is (2) not located within 500 feet of the nearest edge of the right-of-way of any state local service road; or is (3) not located within 1,000 feet of the nearest residence or within 5,000 feet of the nearest occupied private residence which is part of a residential community. Notwithstanding any other provision of this section to the contrary, ownership of a salvage yard duly licensed under the former provisions of this article and continuously maintained and licensed since July 1, 1998, may be sold or otherwise transferred, and the salvage yard is eligible for relicensure and may continue to be operated under the same legal requirements that would have been applicable had the change in ownership not occurred.

(d) On or after July 1, 1984, any owner or operator establishing, operating or maintaining a salvage yard for which a license is required under the provisions of this article, is hereby required to first obtain an approval permit from the county planning commission, or if the county does not have a county planning commission, from an appropriate office or agency designated by the county commission, in which the salvage yard is located. The county planning commission, or designated agency or office, shall promulgate such reasonable rules including, but not limited to, determining the effect of the proposed salvage yard on residential, business or commercial property investment and values, establishing a quota for the number of salvage yards in the county, and the social, economic and environmental impact on community growth and development in utilities, health, education, recreation, safety, welfare and convenience, if any, before issuing such approval permit. These rules shall conform to guidelines established in rules promulgated by the commissioner. The fee for the approval permit shall be $25, payable upon the filing of the application on forms to be designated and approved by the county planning commission or designated office or agency.

(e) Upon the granting of an approval permit by the county planning commission, the owner or operator shall then apply to the commissioner for a license to operate. The commissioner may issue a license to the applicant, but only after an approval permit has issued in the first instance and the location of the salvage yard is in compliance with the location requirements of §17-23-4 of this code. The approval permit requirement of this section does not apply to any owner or operator who has established, or is operating or maintaining, a salvage yard prior to July 1, 1984.

(f) A regional distribution and dismantling center may qualify for a specialized regional distribution and dismantling license from the Commissioner of the Division of Highways under this article provided that the regional distribution and dismantling center is not visible within 1,000 feet of the nearest edge of the right-of-way of an interstate highway or federal-aid primary highway and it obtains approval of, and is permitted by, the county commission

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as provided in this section.

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