WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1959

ENROLLED

SENATE BILL NO. 306
(By Mr. Ballard)

PASSED March 13, 1959

In Effect 90 days from Passage

Filed in Office of the Secretary of State of West Virginia
MAR 20 1959
JOE F. BURDETT
SECRETARY OF STATE
ENROLLED

Senate Bill No. 306
(By Mr. Ballard)

[Passed March 12, 1959; in effect ninety days from passage.]

AN ACT to amend chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article designated article twenty-three, relating to the establishment, maintenance, operation and licensing of junk yards; date said article becomes enforceable; and prescribing penalties for the violation thereof.

Be it enacted by the Legislature of West Virginia:

That chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article designated article twenty-three, to read as follows:

Section 1. Definitions.—As used in this article:

"Junk" shall mean old or scrap copper, brass, rope, rags, batteries, paper, rubber, junked, dismantled or wrecked automobiles or parts thereof, iron, steel and other old or scrap ferrous or non-ferrous materials.

"Junk Yard" shall mean an establishment or place of business which is maintained or operated for the purpose of storing, keeping, buying or selling such junk, or for the maintenance or operation of an automobile graveyard.

"Person" shall include an individual, partnership, association or corporation.

"Fence" shall mean an enclosure at least six feet in height so constructed and maintained as to obscure the junk in said enclosure from ordinary view to those persons passing upon the public highways in this state.

"Commissioner" shall mean the state road commissioner of West Virginia.

Sec. 2. License Required; Restrictions as to Location.—

No junk yard shall be operated or maintained outside a municipality without a license and no license shall be
granted a dealer who maintains a junk yard outside a municipality within one thousand feet of any primary or interstate highway. If a junk yard is operated or maintained within three hundred feet of any secondary highway the view thereof from such highway shall be obscured by natural objects or a fence as herein defined: Provided, however, That a dealer who was maintaining or operating a junk yard prior to January one, one thousand nine hundred fifty-nine, outside a municipality shall be granted a license if his junk yard is operated or maintained more than one hundred feet from any primary, interstate or secondary highway right-of-way and the view thereof from such highway is obscured by natural objects or a fence as herein defined: Provided further, That nothing granted herein shall be construed to permit any dealer operating or maintaining a junk yard prior to January one, one thousand nine hundred fifty-nine, to enlarge, expand or increase the size of said junk yard.

Sec. 3. Issuance of License; Fee Therefor.—The commissioner shall have the sole authority to issue licenses for the establishment, maintenance and operation of junk
yards within the limits herein defined and shall charge
therefor a fee of twenty-five dollars payable annually in
advance. All licenses issued under this section shall ex-
pire on the first day of January following the date of issue.
A license may be renewed from year to year upon paying
to the commissioner the sum of twenty-five dollars for
each such renewal.

Sec. 4. Requirements as to Fences.—A fence constructed
under this article shall be kept in good order and repair
and at all times painted and no advertisement shall be
permitted thereon other than the name of the person in
whose name the license has been issued and the nature of
the business conducted therein.

Sec. 5. Penalties; Injunction.—Any person violating
any provision of this article, whether as principal or em-
ployee, shall be deemed guilty of a misdemeanor, and,
upon conviction thereof shall be penalized by a fine of
not less than one hundred dollars or more than one thou-
sand dollars; and such person shall be guilty of a separate
offense for each month during a portion of which any
violation of this article is committed, continued or per-
mitted, and, in addition to other remedies provided in this chapter, the state road commission or the county court of the county in which such junk yard is located may apply to the circuit court, or other court of competent jurisdiction of the county in which said junk yard may be, for an injunction to abate such nuisance.

Sec. 6. Date of Enforcement.—The provisions of this article shall not be enforceable until and after the first day of July, one thousand nine hundred sixty.

Sec. 7. Reference to Other Statutes.—Nothing herein contained shall be construed to affect, set aside, or alter the provisions of chapter eleven, article twelve, section seven of this code.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

Takes effect 90 days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 20th day of March, 1959.

Governor