

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

306

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Senate Bill No. 306

(By MR. BALLARD)

[Passed March 13, 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^{SWL}, as amended, be amended by adding thereto a new article designated article twenty-three, to read as follows:

OK (copy to)

Article 23. Junk Yards.

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

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

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

10 “Person” shall include an individual, partnership, as-
11 sociation or corporation.

12 “Fence” shall mean an enclosure at least six feet in
13 height so constructed and maintained as to obscure the
14 junk in said enclosure from ordinary view to those per-
15 sons passing upon the public highways in this state.

16 “Commissioner” shall mean the state road commissioner
17 of West Virginia.

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

2 No junk yard shall be operated or maintained outside a
3 municipality without a license and no license shall be

4 granted a dealer who maintains a junk yard outside a
5 municipality within one thousand feet of any primary or
6 interstate highway. If a junk yard is operated or main-
7 tained within three hundred feet of any secondary high-
8 way the view thereof from such highway shall be obscur-
9 ed by natural objects or a fence as herein defined: *Pro-*
10 *vided, however,* That a dealer who was maintaining or
11 operating a junk yard prior to January one, one thousand
12 nine hundred fifty-nine, outside a municipality shall be
13 granted a license if his junk yard is operated or main-
14 tained more than one hundred feet from any primary,
15 interstate or secondary highway right-of-way and the
16 view thereof from such highway is obscured by natural
17 objects or a fence as herein defined: *Provided further,*
18 That nothing granted herein shall be construed to permit
19 any dealer operating or maintaining a junk yard prior to
20 January one, one thousand nine hundred fifty-nine, to
21 enlarge, expand or increase the size of said junk yard.

Sec. 3. *Issuance of License; Fee Therefor.*—The commis-
2 sioner shall have the sole authority to issue licenses for
3 the establishment, maintenance and operation of junk

4 yards within the limits herein defined and shall charge
5 therefor a fee of twenty-five dollars payable annually in
6 advance. All licenses issued under this section shall ex-
7 pire on the first day of January following the date of issue.
8 A license may be renewed from year to year upon paying
9 to the commissioner the sum of twenty-five dollars for
10 each such renewal.

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

Sec. 5. *Penalties; Injunction.*—Any person violating
2 any provision of this article, whether as principal or em-
3 ployee, shall be deemed guilty of a misdemeanor, and,
4 upon conviction thereof shall be penalized by a fine of
5 not less than one hundred dollars or more than one thou-
6 sand dollars; and such person shall be guilty of a separate
7 offense for each month during a portion of which any
8 violation of this article is committed, continued or per-

9 mitted, and, in addition to other remedies provided in this
10 chapter, the state road commission or the county court of
11 the county in which such junk yard is located may apply
12 to the circuit court, or other court of competent jurisdic-
13 tion of the county in which said junk yard may be, for an
14 injunction to abate such nuisance.

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

Sec. 7. *Reference to Other Statutes.*—Nothing herein
2 contained shall be construed to affect, set aside, or alter
3 the provisions of chapter eleven, article twelve, section
4 seven of this code.

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

W. D. Jasper
Chairman Senate Committee

Eudora Andrews
Chairman House Committee

Originated in the Senate.

Takes effect *90 days from* passage.

D. Bennett Hooper
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Ralph Mean
President of the Senate

H. R. Pauley
Speaker House of Delegates

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

W. D. Underwood
Governor

