

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1963



ENROLLED

HOUSE BILL No. 468

(By Mr. Speaker, Mr. Singleton, & Mr. England)



PASSED March 7, 1963

In Effect from Passage



Filed in Office of the Secretary of State  
of West Virginia 3-15-63

JOE F. BURDETT  
SECRETARY OF STATE

# 468

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AN ACT to amend and reenact article twenty-three, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to salvage yards.

*Be it enacted by the Legislature of West Virginia:*

That 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.**

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

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

6 "Salvage Yard" shall mean an establishment or place of  
7 business which is maintained or operated for the use of  
8 storing, keeping, buying or selling such salvage, or for the  
9 maintenance or operation of an automobile graveyard.

10 "Person" shall include an individual, partnership, asso-  
11 ciation or corporation.

12 "Fence" shall mean an enclosure at least six feet in  
13 height so constructed or planted and maintained as to  
14 obscure the salvage in said enclosure from ordinary view  
15 to those persons passing upon the public highways in  
16 this state.

17 "Commissioner" shall mean the state road commis-  
18 sioner of West Virginia.

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

2 No salvage yard shall be operated or maintained outside  
3 a municipality without a license and no license shall be  
4 granted a person who maintains a salvage yard outside a  
5 municipality within one thousand feet of any primary  
6 or interstate highway. If a salvage yard is operated or  
7 maintained within three hundred feet of any secondary  
8 highway the view thereof from such highway shall be ob-

9 scured by natural objects or a fence as herein defined:  
10 *Provided, however,* That a person who was maintaining  
11 or operating a salvage yard prior to January one, one  
12 thousand nine hundred fifty-nine, outside a municipality  
13 shall be granted a license if his salvage yard is operated  
14 or maintained adjoining any primary, interstate or sec-  
15 ondary highway right-of-way and the view from such  
16 highway is obscured by natural objects, plantings or a  
17 fence on his property line as herein defined: *Provided*  
18 *further,* That the provisions hereof shall not be construed  
19 to permit any person who operated or maintained a sal-  
20 vage yard prior to January one, one thousand nine hun-  
21 dred fifty-nine, to enlarge, expand or increase the size of  
22 said salvage yard.

**Sec. 3. Issuance of License; Fee Therefor.**—The com-  
2 missioner shall have the sole authority to issue licenses  
3 for the establishment, maintenance and operation of sal-  
4 vage yards within the limits herein defined and shall  
5 charge therefor a fee of fifty dollars payable annually in  
6 advance. All licenses issued under this section shall ex-  
7 pire on the first day of January following the day of

8 issue. A license may be renewed from year to year upon  
9 paying the commissioner the sum of fifty dollars for each  
10 such renewal. All license fees collected under the provi-  
11 sions of this article shall be deposited to the credit of the  
12 state road fund.

**Sec. 4. Requirements as to Fences; Rules and Regu-**  
2 **lations.**—A fence constructed under this article shall be  
3 kept in good order and repair and at all times painted  
4 and no advertisement shall be permitted thereon other  
5 than the name of the person in whose name the license  
6 has been issued and the nature of the business conducted  
7 therein. The commissioner shall have the power to  
8 promulgate rules and regulations governing the location,  
9 construction, planting and maintenance of fences, living  
10 or otherwise.

**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  
10 this chapter, the state road commissioner or the county  
11 court of the county in which such salvage yard is located  
12 may apply to the circuit court, or other court of compe-  
13 tent jurisdiction of the county in which said salvage yard  
14 may be, for an injunction to abate such nuisance.

**Sec. 6. Date of Enforcement.**—The provisions of this  
2 article shall be enforceable from the effective date of  
3 this act except that the license provided for in section  
4 three hereof shall not be required until the first day of  
5 January, nineteen hundred sixty-four.

**Sec. 7. Reference to Other Statutes.**—The provisions  
2 of chapter eleven, article twelve, section seven, and chap-  
3 ter eleven, article thirteen-a, of this code shall not apply  
4 to salvage yards covered by the provisions of this article.

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

*O. Ray Parker*  
Chairman Senate Committee

*Etzel L. Randall*  
Chairman House Committee

Originated in the House.

Takes effect from passage.

*Howard Meyer*  
Clerk of the Senate

*A. Blankenship*  
Clerk of the House of Delegates

*Howard W. Cannon*  
President of the Senate

*Julius W. Singleton Jr*  
Speaker House of Delegates

The within approve this the 14<sup>th</sup>  
day of March, 1963.

*M. M. Baum*  
Governor

