WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1963

ENROLLED

HOUSE BILL No. 468

(By Mr. Speaker, Mr. Righton, 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
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, rags, batteries, paper, rubber, junked, dismantled or wrecked automobiles or parts thereof, iron, steel and other old or scrap ferrous or non-ferrous materials.
“Salvage Yard” shall mean an establishment or place of business which is maintained or operated for the use of storing, keeping, buying or selling such salvage, 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 or planted and maintained as to obscure the salvage 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 salvage yard shall be operated or maintained outside a municipality without a license and no license shall be granted a person who maintains a salvage yard outside a municipality within one thousand feet of any primary or interstate highway. If a salvage yard is operated or maintained within three hundred feet of any secondary highway the view thereof from such highway shall be ob-
scured by natural objects or a fence as herein defined:

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

Sec. 3. Issuance of License; Fee Therefor.—The com-
missioner shall have the sole authority to issue licenses
for the establishment, maintenance and operation of sal-
vage yards within the limits herein defined and shall
charge therefor a fee of fifty dollars payable annually in
advance. All licenses issued under this section shall ex-
pire on the first day of January following the day of
issue. A license may be renewed from year to year upon paying the commissioner the sum of fifty dollars for each such renewal. All license fees collected under the provisions of this article shall be deposited to the credit of the state road fund.

Sec. 4. Requirements as to Fences; Rules and Regulations.—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. The commissioner shall have the power to promulgate rules and regulations governing the location, construction, planting and maintenance of fences, living or otherwise.

Sec. 5. Penalties; Injunction.—Any person violating any provision of this article, whether as principal or employee, 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 thousand 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 commissioner or the county
court of the county in which such salvage yard is located
may apply to the circuit court, or other court of compe-
tent jurisdiction of the county in which said salvage yard
may be, for an injunction to abate such nuisance.

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

Sec. 7. Reference to Other Statutes.—The provisions
of chapter eleven, article twelve, section seven, and chap-
ter eleven, article thirteen-a, of this code shall not apply
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.

Chairman Senate Committee

Chairman House Committee

Originated in the House.

Takes effect...passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within...this the 14th day of March, 1963.

Governor