WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1983

ENROLLED

SENATE BILL NO. 53

(By Mr. )

PASSED March 12, 1983
In Effect ninety days from Passage
AN ACT to amend and reenact section four, article twenty-three, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to areas where salvage yards may be established; screening from the public view; issuance of permits by the county planning commission or other designated agency.

Be it enacted by the Legislature of West Virginia:

That section four, 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.

§17-23-4. Areas where establishment prohibited; screening requirements; existing licensed yards.

1 On and after the effective date of this article, (1) no license shall be issued to establish a salvage yard or any part thereof within one thousand 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, trunk line, 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 shall not apply to landfills established and maintained by 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 shall be issued to establish a salvage yard or any part thereof within three hundred 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, That this limitation shall not apply to landfills established and maintained by 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.

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 one thousand 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, trunk line, 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 three hundred feet of the nearest edge of the right-of-way of any state local service road, may be renewed only if the view of the said salvage yard and all parts thereof is effectively screened from the adjacent road by natural objects, plantings, fences or other appropriate means.

Any salvage yard which, on the effective date of this article, is duly licensed under the 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 one thousand feet of any road within the state road system designated and classified or redesignated and reclassified as expressway, trunk line, 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 three hundred feet of the nearest edge of the
right-of-way of any state local service road.

On or after the first day of July, one thousand nine
hundred eighty-three, any owner or operator establish-
ing, operating or maintaining a salvage yard for which a
license is required under the provisions of section three
of this article is hereby required to obtain a permit from
the county planning commission, or if the county does
not have a county planning commission, from an office
or agency designated by the county commission, in which
the salvage yard is located. There shall be no charge for
the permit. The 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 the
first day of July, one thousand nine hundred eighty-three.
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.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within _______ is approved _______ this the _______ day of _______ _______, 1983.

Governor