

No: 1910

FORM 23 11-27-81
OFFICE OF THE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1984



ENROLLED

Com. Sub. for
HOUSE BILL No. *1910*

(By *Del. Doyle & Del. Roop*)



Passed *March 10,* 1984

In Effect *July 1, 1984* Passage



ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 1910

(By DELEGATE DOYLE and DELEGATE ROOP)

[Passed March 10, 1984; in effect July 1, 1984.]

AN ACT to amend and reenact sections three and four, article twenty-three, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to conferring authority upon county planning commissions to make initial determinations on the licensing of salvage yards by granting or denying approval permit; requiring salvage yard owners or operators to first comply and meet county standards set by county planning commissions; issuance of approval permits; application for license to the commissioner of the department of highways; fee; issuance; renewal; disposition of fee.

Be it enacted by the Legislature of West Virginia:

That sections three and 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.

§17-23-3. License required; issuance; fee; renewal; disposition of fees.

1 No salvage yard or any part thereof shall be established,
2 operated or maintained without a state license. The com-
3 missioner shall have the sole authority to issue such a state

4 license, and he shall charge therefor a fee of fifty dollars
5 payable annually in advance. All licenses issued under this
6 section shall expire on the first day of January following the
7 date of issuance. A license may be renewed from year to year
8 upon paying the commissioner the sum of fifty dollars for
9 each such renewal. All such renewal license fees collected
10 under the provisions of this article shall be deposited in the
11 special fund provided for in section ten of this article.

**§17-23-4. Areas where establishment prohibited; screening require-
ments; existing licensed yards; approval permit re-
quired; issuance; county planning commission criteria
satisfied; fee.**

1 On and after the effective date of this article, (1) no
2 license shall be issued to establish a salvage yard or any
3 part thereof within one thousand feet of the nearest edge
4 of the right-of-way of any road within the state road system
5 designated and classified or redesignated and reclassified as
6 expressway, trunkline, or feeder, or any road within the
7 state road system designated and classified or redesignated and
8 reclassified for purposes of allocation of federal highway funds
9 as part of the federal-aid interstate or primary systems:
10 *Provided*, That this limitation shall not apply to landfills
11 established and maintained by any county or municipality if
12 such landfill is effectively screened and obscured by natural
13 objects, plantings, fences or other appropriate means so as
14 not to be visible from the main traveled way of the system,
15 and (2) no license shall be issued to establish a salvage yard
16 or any part thereof within three hundred feet of the nearest
17 edge of the right-of-way of any state local service road, unless
18 the view thereof from such state local service road shall be
19 effectively screened and obscured by fences: *Provided, how-*
20 *ever*, That this limitation shall not apply to landfills established
21 and maintained by any county or municipality if such landfill is
22 effectively screened and obscured by natural objects, plant-
23 ings, fences or other appropriate means so as not to be visible
24 from the main traveled way of the system.

25 The license of any salvage yard duly issued under the
26 former provisions of this article, which salvage yard or any
27 part thereof on the effective date of this article, is (1)

28 within one thousand feet of the nearest edge of the right-
29 of-way of any road within the state road system designated
30 and classified or redesignated and reclassified as expressway,
31 trunkline, or feeder, or any road within the state road system
32 designated and classified or redesignated and reclassified for
33 purposes of allocation of federal highway funds as part of the
34 federal-aid interstate or primary systems or is (2) within three
35 hundred feet of the nearest edge of the right-of-way of any
36 state local service road, may be renewed only if the view of the
37 said salvage yard and all parts thereof are effectively screened
38 from the adjacent road by natural objects, plantings, fences
39 or other appropriate means.

40 Any salvage yard which, on the effective date of this
41 article, is duly licensed under the former provisions of this
42 article may be established or continue to be operated and
43 maintained without screening by natural objects, plantings,
44 fences or other appropriate means so long as any part of
45 such salvage yard is (1) not located within one thousand feet
46 of any road within the state road system designated and
47 classified or redesignated and reclassified as expressway, trunk-
48 line or feeder, or any road within the state road system
49 designated and classified or redesignated and reclassified for
50 the purposes of allocation of federal highway funds as part of
51 the federal-aid interstate or primary systems or is (2) not
52 located within three hundred feet of the nearest edge of the
53 right-of-way of any state local service road.

54 On or after the first day of July, one thousand nine
55 hundred eighty-four, any owner or operator establishing,
56 operating or maintaining a salvage yard for which a license is
57 required under the provisions of this article is hereby re-
58 quired to first obtain an approval permit from the county plan-
59 ning commission, or if the county does not have a county
60 planning commission, from an appropriate office or agency
61 designated by the county commission, in which the salvage
62 yard is located. The county planning commission or designated
63 agency or office shall promulgate such reasonable rules and
64 regulations including, but not limited to, determining the
65 effect of the proposed salvage yard on residential, business
66 or commercial property investment and values, and the social,

67 economic and environmental impact on community growth
68 and development in utilities, health, education, recreation,
69 safety, welfare and convenience, if any, before issuing such
70 approval permit. The fee for the approval permit shall be
71 twenty-five dollars, payable upon the filing of the application
72 on forms to be designated and approved by the county
73 planning commission or designated office or agency.

74 Upon the granting of an approval permit by the county
75 planning commission, the owner or operator shall then apply
76 to the commissioner for a license to operate. The com-
77 missioner may issue a license to the applicant, but only after
78 an approval permit has issued in the first instance and the
79 location of the salvage yard is in compliance with the location
80 requirements of section four of this article. The approval
81 permit requirement of this section does not apply to any
82 owner or operator who has established, or is operating or
83 maintaining, a salvage yard prior to the first day of July,
84 one thousand nine hundred eighty-four.

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

Harrell E. Blum

Chairman Senate Committee

Donald Anello

Chairman House Committee

Originating in the House.

Takes effect July 1, 1984.

Judd C. Wills

Clerk of the Senate

Donald L. Dopp

Clerk of the House of Delegates

Warren K. Upshaw

President of the Senate

W. M. Seede, Jr.

Speaker House of Delegates

The within is approved this the 30
day of March, 1984.

John S. Poyner

Governor

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OFFICE
SECY. OF STATE