WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1984

ENROLLED
Cons. Sub. for
HOUSE BILL No. 1910

(By Del. Doyle and Del. Roop)

Passed March 10, 1984

In Effect July 1, 1984
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, operated or maintained without a state license. The commissioner shall have the sole authority to issue such a state
license, and he shall charge therefor a fee of fifty dollars payable annually in advance. All licenses issued under this section shall expire on the first day of January following the date of issuance. A license may be renewed from year to year upon paying the commissioner the sum of fifty dollars for each such renewal. All such renewal license fees collected under the provisions of this article shall be deposited in the special fund provided for in section ten of this article.

§17-23-4. Areas where establishment prohibited; screening requirements; existing licensed yards; approval permit required; issuance; county planning commission criteria satisfied; fee.

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, trunkline, 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, however, 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, trunkline, 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 are 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, trunkline 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-four, any owner or operator establishing, operating or maintaining a salvage yard for which a license is required under the provisions of this article is hereby required to first obtain an approval permit from the county planning commission, or if the county does not have a county planning commission, from an appropriate office or agency designated by the county commission, in which the salvage yard is located. The county planning commission or designated agency or office shall promulgate such reasonable rules and regulations including, but not limited to, determining the effect of the proposed salvage yard on residential, business 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.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originating in the House.

Takes effect July 1, 1984.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within is approved this the ___

day of ________, 1984.

[Signature]
Governor