

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Enrolled

Senate Bill 827

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

2024 MAR 27 P 3: 03

FILED

BY SENATORS WOODRUM, JEFFRIES, AND BARRETT

[Passed March 6, 2024; in effect 90 days from
passage (June 4, 2024)]

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1 AN ACT to amend and reenact §17-23-2 and §17-23-4 of the Code of West Virginia, 1931, as
2 amended, relating generally to salvage yards; providing definition for regional distribution
3 and dismantling center; and providing for specialized regional distribution and dismantling
4 license in certain circumstances.

Be it enacted by the Legislature of West Virginia:

ARTICLE 23. SALVAGE YARDS.

§17-23-2. Definitions.

1 As used in this article:

2 "Abandoned salvage yard" means any unlicensed salvage yard or any salvage yard that
3 was previously licensed but upon which the license has not been renewed for more than one year.

4 "Commissioner" means the Commissioner of the West Virginia Division of Highways.

5 "Fence" means an enclosure, barrier or screen constructed of materials or consisting of
6 plantings, natural objects, or other appropriate means approved by the commissioner and located,
7 placed, or maintained so as effectively to screen, at all times, salvage yards and the salvage
8 therein contained from the view of persons passing upon the public roads of this state.

9 "Occupied private residence" means a private residence which is occupied for at least six
10 months each year.

11 "Owner or operator" includes an individual, firm, partnership, association or corporation,
12 or the plural thereof.

13 "Regional distribution and dismantling center" means a facility that removes usable vehicle
14 parts and offers them for resale through a national supply network. The regional distribution and
15 dismantling center (i) does not receive vehicles from individuals; (ii) removes useable parts and
16 stores said parts in an onsite warehouse facility; (iii) removes and processes all fluids and tires
17 from the vehicles; and, (iv) stores the remainder of the vehicle in the confines of the screened
18 property prior to being rotated out of the inventory.

19 A regional distribution and dismantling center is not a salvage yard as defined in this
20 section.

21 "Residential community" means an area wherein five or more occupied private residences
22 are located within any 1,000-foot radius.

23 "Salvage" means old or scrap brass, copper, iron, steel, other ferrous or nonferrous
24 materials, batteries, or rubber and any junked, dismantled or wrecked machinery, machines or
25 motor vehicles or any parts of any junked, dismantled or wrecked machinery, machines or motor
26 vehicles.

27 "Salvage yard" means any place which is maintained, operated or used for the storing,
28 keeping, buying, selling, or processing of salvage, or for the operation and maintenance of a motor
29 vehicle graveyard: *Provided*, That no salvage yard shall accept, store or process more than 100
30 waste tires unless it has all permits necessary to operate a monofill, waste tire processing facility
31 or solid waste facility. Any salvage yard which currently has on its premises more than 100 waste
32 tires not on a vehicle must establish a plan in conjunction with the Department of Environmental
33 Protection for the proper disposal of the waste tires.

34 "Waste tire" means any continuous solid or pneumatic rubber covering designed to
35 encircle the wheel of a vehicle but which has been discarded, abandoned, or is no longer suitable
36 for its original, intended purpose nor suitable for recapping, or other beneficial use, as defined in
37 §22-15A-2 of this code, because of wear, damage or defect. A tire is no longer considered to be
38 suitable for its original intended purpose when it fails to meet the minimum requirements to pass
39 a West Virginia motor vehicle safety inspection. Used tires located at a commercial recapping
40 facility or tire dealer for the purpose of being reused or recapped are not waste tires.

41 "Waste tire monofill or monofill" means an approved solid waste facility where waste tires
42 not mixed with any other waste are placed for the purpose of long-term storage for eventual
43 retrieval for marketing purposes.

44 "Waste tire processing facility" means a solid waste facility or manufacturer that accepts
45 waste tires generated by sources other than the owner or operator of the facility for processing
46 by such means as cryogenics, pyrolysis, pyroprocessing cutting, splitting, shredding, quartering,
47 grinding or otherwise breaking down waste tires for the purposes of disposal, reuse, recycling or
48 marketing.

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

1 (a) On and after the effective date of this article: (1) No license may be issued to establish
2 a salvage yard, or any part thereof, within 1,000 feet of the nearest edge of the right-of-way of
3 any road within the state road system designated and classified or redesignated and reclassified
4 as expressway, trunkline or feeder, or any road within the state road system designated and
5 classified or redesignated and reclassified for purposes of allocation of federal highway funds as
6 part of the federal-aid interstate or primary systems: *Provided*, That this limitation may not apply
7 to landfills established and maintained by the state or any county or municipality if such landfill is
8 effectively screened and obscured by natural objects, plantings, fences or other appropriate
9 means so as not to be visible from the main traveled way of the system; and (2) no license may
10 be issued to establish a salvage yard, or any part thereof, within 500 feet of the nearest edge of
11 the right-of-way of any state local service road, unless the view thereof from such state local
12 service road shall be effectively screened and obscured by fences: *Provided, however*, That this
13 limitation may not apply to landfills established and maintained by the state or any county or
14 municipality if the landfill is effectively screened and obscured by natural objects, plantings, fences
15 or other appropriate means so as not to be visible from the main traveled way of the system; and
16 (3) no license may be issued allowing a salvage yard within 1,000 feet of the nearest occupied
17 private residence, unless waived by the owner of such residence, or within 5,000 feet of the

18 nearest occupied private residence which is part of a residential community. The provisions of
19 this paragraph, as amended, shall apply only to salvage yards licensed after April 1, 1988.

20 (b) The license of any salvage yard duly issued under the former provisions of this article,
21 which salvage yard, or any part thereof, on the effective date of this article, is: (1) Within 1,000
22 feet of the nearest edge of the right-of-way of any road within the state road system designated
23 and classified or redesignated and reclassified as expressway, trunkline or feeder, or any road
24 within the state road system designated and classified or redesignated and reclassified for
25 purposes of allocation of federal highway funds as part of the federal-aid interstate or primary
26 systems; or is (2) within 500 feet of the nearest edge of the right-of-way of any state local service
27 road; or is (3) within 1,000 feet of the nearest occupied private residence or within 5,000 feet of
28 the nearest occupied private residence which is part of a residential community, may be renewed
29 only if the view of the said salvage yard, and all parts thereof, are effectively screened from the
30 adjacent road by natural objects, plantings, fences or other appropriate means, or a waiver is
31 obtained from the owner of an occupied private residence. The provisions of this paragraph, as
32 amended, shall apply only to salvage yards licensed after April 1, 1988.

33 (c) Any salvage yard which, on the effective date of this article, is duly licensed under the
34 former provisions of this article may be established or continue to be operated and maintained
35 without screening by natural objects, plantings, fences or other appropriate means so long as any
36 part of such salvage yard is: (1) Not located within 1,000 feet of any road within the state road
37 system designated and classified, or redesignated and reclassified as expressway, trunkline or
38 feeder, or any road within the state road system designated and classified or redesignated and
39 reclassified for the purposes of allocation of federal highway funds as part of the federal-aid
40 interstate or primary systems; or is (2) not located within 500 feet of the nearest edge of the right-
41 of-way of any state local service road; or is (3) not located within 1,000 feet of the nearest
42 residence or within 5,000 feet of the nearest occupied private residence which is part of a
43 residential community. Notwithstanding any other provision of this section to the contrary,

44 ownership of a salvage yard duly licensed under the former provisions of this article and
45 continuously maintained and licensed since July 1, 1998, may be sold or otherwise transferred,
46 and the salvage yard is eligible for relicensure and may continue to be operated under the same
47 legal requirements that would have been applicable had the change in ownership not occurred.

48 (d) On or after July 1, 1984, any owner or operator establishing, operating or maintaining
49 a salvage yard for which a license is required under the provisions of this article, is hereby required
50 to first obtain an approval permit from the county planning commission, or if the county does not
51 have a county planning commission, from an appropriate office or agency designated by the
52 county commission, in which the salvage yard is located. The county planning commission, or
53 designated agency or office, shall promulgate such reasonable rules including, but not limited to,
54 determining the effect of the proposed salvage yard on residential, business or commercial
55 property investment and values, establishing a quota for the number of salvage yards in the
56 county, and the social, economic and environmental impact on community growth and
57 development in utilities, health, education, recreation, safety, welfare and convenience, if any,
58 before issuing such approval permit. These rules shall conform to guidelines established in rules
59 promulgated by the commissioner. The fee for the approval permit shall be \$25, payable upon
60 the filing of the application on forms to be designated and approved by the county planning
61 commission or designated office or agency.

62 (e) Upon the granting of an approval permit by the county planning commission, the owner
63 or operator shall then apply to the commissioner for a license to operate. The commissioner may
64 issue a license to the applicant, but only after an approval permit has issued in the first instance
65 and the location of the salvage yard is in compliance with the location requirements of §17-23-4
66 of this code. The approval permit requirement of this section does not apply to any owner or
67 operator who has established, or is operating or maintaining, a salvage yard prior to July 1, 1984.

68 (f) A regional distribution and dismantling center may qualify for a specialized regional
69 distribution and dismantling license from the Commissioner of the Division of Highways under this

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70 article provided that the regional distribution and dismantling center is not visible within 1,000 feet
71 of the nearest edge of the right-of-way of an interstate highway or federal-aid primary highway
72 and it obtains approval of, and is permitted by, the county commission as provided in this section.

The Clerk of the Senate and the Clerk of the House of Delegates hereby certify that the foregoing bill is correctly enrolled.

Joe Levin
.....
Clerk of the Senate

Steve Harris
.....
Clerk of the House of Delegates

2024 MAR 27 P 3:03
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

FILED

Originated in the Senate.

In effect 90 days from passage.

Byrnie
.....
President of the Senate

Les Jordan
.....
Speaker of the House of Delegates

The within is approved this the 27th
Day of March, 2024.

James Justice
.....
Governor

PRESENTED TO THE GOVERNOR

MAR 12 2024

Time 2:52 pm