

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

Senate Bill 827

By Senators Woodrum, Jeffries, and Barrett

[Introduced February 16, 2024; referred
to the Committee on Government Organization]

1 A BILL 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 (a) "Abandoned salvage yard" means any unlicensed salvage yard or any salvage yard
3 that was previously licensed but upon which the license has not been renewed for more than one
4 year.

5 (b) "Commissioner" means the Commissioner of the West Virginia Division of Highways.

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

10 (d) "Occupied private residence" means a private residence which is occupied for at least
11 six months each year.

12 (e) "Owner or operator" includes an individual, firm, partnership, association or
13 corporation, or the plural thereof.

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

20 A regional distribution and dismantling center is not a salvage yard as defined in §17-23-
21 2(h) of this code.

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

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

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

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

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

45 (k) "Waste tire processing facility" means a solid waste facility or manufacturer that accepts

46 waste tires generated by sources other than the owner or operator of the facility for processing by
47 such means as cryogenics, pyrolysis, pyroprocessing cutting, splitting, shredding, quartering,
48 grinding or otherwise breaking down waste tires for the purposes of disposal, reuse, recycling or
49 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 shall may be issued to
2 establish a salvage yard, or any part thereof, within 1,000 feet of the nearest edge of the right-of-
3 way of any road within the state road system designated and classified or redesignated and
4 reclassified as expressway, trunkline or feeder, or any road within the state road system
5 designated and classified or redesignated and reclassified for purposes of allocation of federal
6 highway funds as part of the federal-aid interstate or primary systems: *Provided*, That this
7 limitation shall may not apply to landfills established and maintained by the state or any county or
8 municipality if such landfill is effectively screened and obscured by natural objects, plantings,
9 fences or other appropriate means so as not to be visible from the main traveled way of the
10 system; and (2) no license shall may be issued to establish a salvage yard, or any part thereof,
11 within 500 feet of the nearest edge of the right-of-way of any state local service road, unless the
12 view thereof from such state local service road shall be effectively screened and obscured by
13 fences: *Provided, however*, That this limitation shall may not apply to landfills established and
14 maintained by the state or any county or municipality if ~~such~~ the landfill is effectively screened and
15 obscured by natural objects, plantings, fences or other appropriate means so as not to be visible
16 from the main traveled way of the system; and (3) no license may be issued allowing a salvage
17 yard within 1,000 feet of the nearest occupied private residence, unless waived by the owner of
18 such residence, or within 5,000 feet of the nearest occupied private residence which is part of a
19 residential community. The provisions of this paragraph, as amended, shall apply only to salvage

20 yards licensed after April 1, 1988.

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

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

46 continuously maintained and licensed since July 1, 1998, may be sold or otherwise transferred,
47 and the salvage yard ~~shall be~~ is eligible for relicensure and may continue to be operated under the
48 same legal requirements that would have been applicable had the change in ownership not
49 occurred.

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

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

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

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