

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5165

By Delegates Holstein, Vance, Mallow, Moore, and

Lucas

[Introduced February 04, 2026; referred to the
Committee on Energy and Public Works then the
Judiciary]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article, designated §22-37-1, §22-37-2, §22-37-3, §22-37-4, §22-37-5, §22-37-6, §22-37-7, and §22-37-8, relating to solid waste and hazardous material; providing a short title, legislative findings, and purpose; providing definitions; clarifying prohibited conditions; providing notice and opportunity to cure; creating civil and criminal penalties; clarifying enforcement authority; and providing severability.

Be it enacted by the Legislature of West Virginia:

ARTICLE 37. WEST VIRGINIA RURAL PROPERTY SAFETY AND CLEAN LAND ACT.

§22-37-1. Legislative findings; purpose; short title.

(a) The legislation finds that:

(1) Excessive accumulation of solid waste, junk vehicles, tires, construction debris, and hazardous materials on private property may create fire hazards, environmental contamination, vermin infestation, and threats to public health and safety;

(2) Existing state law provides authority to abate unsafe structures but lacks clear, objective standards applicable to unincorporated and rural areas;

(3) Property rights are fundamental and must be protected through clear standards, due process, and reasonable enforcement mechanisms; and

(b) The purpose of this article is to establish objective, non-aesthetic, health- and safety-based standards governing excessive accumulation of waste materials, while preserving agricultural, industrial, and rural property uses.

(c) This act shall be known and cited as the "West Virginia Rural Property and Clean Land Act."

§22-37-2. Definitions.

For purposes of this section:

"Accumulated solid waste" means discarded or abandoned materials not intended for immediate lawful use, including but not limited to household refuse, scrap materials, plastics,

4 glass, rubber, and similar debris.

5 "Non-decomposable materials" means materials that do not naturally decompose within a
6 reasonable period, including plastics, treated wood, metals, rubber products, composite materials,
7 and manufactured containers.

8 "Construction or demolition debris" means building materials, rubble, lumber, concrete,
9 roofing materials, drywall, or similar materials generated from construction, remodeling, or
10 demolition activity.

11 "Hazardous materials" means petroleum products, solvents, pesticides, paints, batteries,
12 asbestos-containing materials, or substances regulated under state or federal environmental law.

13 "Junk vehicle" means a motor vehicle that:

14 (A) Is not currently registered and inspected;

15 (B) Is incapable of self-propelled operation or has been dismantled; and

16 (C) Has remained in such condition for more than 180 consecutive days.

17 Exemptions include vehicles stored within enclosed structures, vehicles actively
18 undergoing repair or restoration, and agricultural equipment used for lawful farm operations.

19 "Excessive accumulation" means the presence of any of the following conditions outdoors
20 on a single parcel:

21 (A) Solid waste or non-decomposable materials covering more than 200 square feet;

22 (B) More than five cubic yards of loose trash or debris;

23 (C) More than three junk vehicles visible from a public right-of-way;

24 (D) More than 50 tires stored outdoors; or

25 (E) Any quantity of hazardous materials stored in a manner allowing leakage, runoff, or
26 exposure to soil or water.

§22-37-3. Prohibited conditions.

1 After notice and opportunity to cure, it is unlawful for an owner to knowingly permit:

2 (1) The excessive accumulation of solid waste or non-decomposable materials;

(2) Outdoor storage of construction or demolition debris for more than 180 days, unless associated with an active building permit or stored in a contained, organized manner;

(3) Outdoor storage of junk vehicles in excess of permitted thresholds;

(4) Outdoor accumulation of tires exceeding statutory limits unless managed to prevent fire and mosquito hazards; or

(5) Storage or disposal of hazardous materials in violation of environmental or safety standards.

§22-37-4. Notice and opportunity to cure.

(a) An enforcing authority shall issue written notice specifying:

(1) The precise violation;

(2) The statutory subsection violated;

(3) Required corrective actions; and

(4) A cure period of not less than 30 days nor more than 90 days.

(b) Owners may request:

(1) An administrative hearing;

(2) A reasonable extension for good cause shown; or

(3) A hardship waiver due to age, disability, or financial hardship.

§22-37-5. Civil penalties and liens.

Failure to comply after the cure period may result in:

(1) Civil fines not exceeding \$100 per day with a maximum of \$5 thousand per calendar year per property.

(2) Unpaid fines or abatement costs may be recorded as a lien against the property and collected in the same manner as other lawful liens.

§22-37-6. Criminal penalties.

Any person who willfully refuses to comply with a court order or knowingly maintains hazardous material conditions posing an imminent risk is guilty of a misdemeanor and, upon

3 conviction thereof, shall be fined not less than \$100 nor more than \$1 thousand or imprisoned in
4 jail not more than six months, or both fined and imprisoned.

§22-37-7. Enforcement authority and limitations.

1 (a) Enforcement authority is vested in county commissions or their designated code
2 enforcement officials.

3 (b) No entry, seizure, removal, or demolition may occur without:

4 (1) Owner consent; or

5 (2) A circuit court order following notice and hearing.

6 (c) This section shall not apply to:

7 (1) Normal agricultural operations;

8 (2) Lawful storage of farm equipment; and

9 (3) Timbering, mining, oil, gas, or industrial activities conducted under permit.

10 (c) Conditions shall not be enforced based solely on aesthetics, property value impacts, or
11 subjective neighborhood complaints.

§22-37-8. Severability.

1 If any provision of this section is held invalid, such invalidity shall not affect the remaining
2 provisions.

NOTE: The purpose of this bill is to create the West Virginia Rural Property and Clean Land Act and establish objective, non-aesthetic, health- and safety-based standards governing excessive accumulation of waste materials, while preserving agricultural, industrial, and rural property uses.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.