

RULES AND REGULATIONS GOVERNING THE ISSUANCE AND RENEWAL OF APPROVAL PERMITS FOR THE OPERATION OF A SALVAGE YARD IN GRANT COUNTY, WEST VIRGINIA, AND, FURTHER, PROVIDING PENALTIES AND PROCEDURES FOR THE ENFORCEMENT OF SUCH PERMITS, AND THE SUPERVISION, OPERATION AND MAINTENANCE OF SALVAGE YARDS.

ARTICLE 1. AUTHORITY, PURPOSE, TITLE & EFFECTIVE DATE

Section 1.0 General Authority

By authority of the Code of West Virginia, Chapter 17, Article 23, Section 4, the Grant County Planning Commission is empowered for the establishment of a system of rules and regulations for the establishment, operations, and maintenance of salvage yards and approval permits therefore.

Section 1.1 Purpose

The purpose of these rules and regulations is to carry out the intent and directives of the Code of West Virginia relating to licensing and operation of salvage yards within Grant County, West Virginia. The further purpose is to provide a system whereby application for approval permits and renewals thereof, can be processed, reviewed and ruled upon taking into consideration, but not limited to, the following: determining the effect of the proposed salvage yard on residential, business or commercial property investment and values, and the social, economic and environmental impact on community growth and development in utilities, health education, recreation, safety, welfare and convenience; if any, before issuing such approval permit.

Chapter 8, Article 24 of the Code of West Virginia further authorizes counties and their planning commissions to perform such administrative services for the appropriate use of land to protect the health, safety, comfort, convenience and general public welfare of its citizens.

Section 1.2 Title

These rules and regulations shall be known and may be cited and referred to as the "GRANT COUNTY SALVAGE YARD PERMIT SYSTEM".

Section 1.3 Permit-Required

On and 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 provisions of Chapter 17, Article 23 of

the Code of West Virginia is hereby required to obtain a permit from the Grant County Planning Commission.

Section 1.4 Effective Date

These rules and regulations promulgated by action of the Grant County Planning Commission, and approved by the Grant County Commission shall take effect immediately upon adoption and shall apply to all salvage yards within the unincorporated territory of Grant County.

ARTICLE 2. DEFINITIONS

Section 2.0 Definitions

For the purpose of these rules and regulations, the following definitions shall apply:

- a. SALVAGE YARD PERMIT OFFICER--shall refer to the person or persons authorized to review salvage yard permit applications; make inspections of proposed site and its affects on other properties and investment; and make recommendations for consideration of the planning commission.
- b. COMMISSION--shall refer to the governing body of the county in which such salvage yard is to be located.
- c. COMMUNITY IMPACT STATEMENT--a report prepared by an applicant assisted by the Salvage Yard Permit Officer describing the scope and feasibility of the proposed salvage yard. The Community Impact Statement also describes the physical, social and economic impacts a proposal may have on the County and to the immediate area.
- d. FENCE--shall mean an enclosure, barrier or screen constructed of materials or consisting of plantings, natural objects or other appropriate means approved by the Planning Commission, and located, placed or maintained so as to effectively screen at all times salvage yards and the salvage therein contained from the view of persons passing upon the public roads of this county.
- e. OWNER OR OPERATOR--shall include an individual, firm, partnership, association or corporation or the plural thereof.
- f. PLANNING COMMISSION--shall refer to the designated agency to administer these rules and regulations within the County.
- g. SALVAGE--shall mean old or scrap copper, brass, rope, rags, batteries, paper, rubber, trash, waste, tires, junked, dismantled or wrecked machinery, machine or motor vehicles or any parts of any junked, dismantled or wrecked machinery, machines or motor vehicles, iron, steel and other old or scrap

ferrous or nonferrous materials, which may be re-usable or all or any part of which may be removed and re-used or sold or may be subject to being used or sold.

Any item not salvageable or after all salvageable material has been removed therefrom, shall no longer be defined or classified as salvage. All items not meeting the definition of salvage or upon losing such classification shall be removed from the salvage yard within one hundred twenty (120) days of losing the classification of salvage. Removal shall be the responsibility of the owner or operator of the salvage yard. Such items shall be disposed of at a properly designated dump, sanitary landfill or by other legally appropriate means.

h. SALVAGE YARD--shall mean any place which is maintained operated or used for the storing, keeping, buying, selling, or processing of salvage, or for the operation and maintenance of a motor vehicle graveyard. Any collection of three or more automobile hulks, or collection of tires, or combination of ferrous or nonferrous metals together with one or more automobile hulks, or a collection of any salvage contained in an area more than one quarter acre in size shall be considered a salvage yard.

i. SKETCH PLAN--an informal drawing of a salvage yard proposal design and layout which is prepared according to the provisions of these rules and regulations and which assists the Planning Commission and the applicant in reviewing the general scope, feasibility and impact of a proposed project.

ARTICLE 3. PERMIT PROCEDURES AND REQUIREMENTS

Section 3.0 Permit-applications-Procedures

Application for a salvage yard permit shall be made, in writing, to the Salvage Yard Permit Officer, and shall include all information requested in the approved application form provided by the Planning Commission.

- a. An application conference with the Salvage Yard Permit Officer shall be scheduled to assist applicant in preparation of the Community Impact Statement for presentation to the Planning Commission at its appropriate regular meeting.
- b. Planning Commission shall place a notice in a newspaper having general circulation within the affected area no less than ten (10) days prior to the meeting, advising the public of the Community Impact Statement and public hearing on the application.
- c. The Planning Commission shall approve, approve with conditions or

disapprove a salvage yard proposal within forty-five (45) days from completion of the public hearing. Failure to take action within the forty-five (45) days shall result in the approval of the application, unless a waiver of this time period is granted to the Planning Commission by the applicant.

d. If the salvage yard application is disapproved, the applicant is advised in writing of the Planning Commission action and of the specific reasons upon which the action was based.

e. Where a salvage yard proposal appears to the Planning Commission to be a major concern, the applicant may be required to submit at his own expense a detailed site plan prepared by a licensed surveyor or engineer indicating the specific site characteristics, proposed storm water management plans, erosion and sediment controls and detailed construction plans for all improvements. Such a requirement may be imposed after the public hearing and before a final decision is made by the Planning Commission. The time for decision shall be extended for an appropriate period to allow the applicant to comply with the requirement of a detailed site plan.

Section 3.1 Application

The basic format of the Salvage Yard Permit Application shall include, but not necessarily be limited to the following:

- a. Name and address of applicant.
- b. Name and address of owner of the land on which proposed salvage yard is to be established.
- c. Site location map.
- d. Sketch Plan.
- e. A Community Impact Statement as to the affects of the salvage yard on:
 1. Description of proposed contents of salvage yard.
 2. Residential, business or commercial property investments and values.
 3. Impact on community growth and development.
 4. Impact on utilities, health, education, recreation, safety, welfare and convenience within the community.
 5. Hours of operation.
 6. Identification of possible storage or discharge of hazardous wastes.
 7. Economic and social impacts on the community.

8. Sketch on proposed storm water run-off and control.
9. Evidence that an application has been made for other required permits and/or license.

Section 3.2 FEES

The fee for the approval permit shall be twenty-five (\$25.00) dollars, payable upon the filing of the application.

The approved permit shall be displayed along with the license from the Commissioner of the West Virginia Department of Highways in a place readily accessible for general public inspection.

Section 3.3 PERMIT-PERIOD

Such approval permit or any renewal thereof, shall be valid for a period of one (1) year from the date of issuance.

Section 3.4 RENEWAL

- a. The Owner or Operator shall within forty-five (45) days but no later than thirty (30) days prior to the expiration of the permit file an application for renewal of such permit with the Salvage Yard Permit Officer.
- b. The Salvage Yard Permit Officer shall within ten (10) days after receipt of such renewal application conduct an inspection of the salvage yard and file a report thereof with the Planning Commission.
- c. Upon receipt of a report which finds that the salvage yard continues to meet the requirements of these rules and regulations and the laws of the State of West Virginia, the Planning Commission shall issue a renewal of said approval permit for another year.
- d. The Owner or Operator shall not be limited in the number of times such permit is renewed.
- e. There shall be a fee of twenty-five (\$25.00) dollars for the filing of an application for renewal.

ARTICLE 4 SITE DESIGN STANDARDS

Section 4.0 Site-Design-Standards

In establishing a salvage yard, all of the following requirements and standards must be met:

a. Setbacks

1. All salvage yard acres shall be set back a minimum of 300 feet from the state road right-of-way and 100 feet from a rural road right-of-way. Where greater setbacks are required by State or Federal Law, the more restrictive shall apply.

2. A means of access to the interior of the salvage yard shall be a minimum of 20 feet for the allowance of firefighting equipment.
3. Salvage shall be stored in piles not exceeding 15 feet in height and shall be arranged so as to permit easy access to all such salvage for firefighting purposes.
4. No salvage yard shall be closer than 100 feet from any property line.
5. No salvage yard shall be located within 1000 feet of any existing public or private school, or the property line of land owned by the Grant County Board of Education, or a public or private playground or recreation area.
6. No salvage yard shall be located closer to any year-round stream, run, river, pond or other water body closer than permitted applicable rules and regulations of the Department of Natural Resources pursuant to Article 5, Chapter 20 of the West Virginia Code, nor shall any salvage yard be located within 200 feet of any year-round stream, run, river, pond or other water body. In addition, no salvage yard shall be permitted within the Flood Hazard Areas of Grant County.
7. Any structure intended for the burning or incineration of salvage materials must be located within the boundaries of the salvage yard.
 - b. Fencing and Screening
 1. All salvage yards conducted within one thousand feet of the nearest edge of the right-of-way of any road within the state road system designated or classified or redesignated or reclassified for purposes of allocation of federal highway funds as part of the federal-aid interstate or primary systems, or conducted within three hundred feet of the nearest edge of the right-of-way of any state local service road shall be screened from the adjacent road by natural objects, plantings, fences or other appropriate means.
 2. The construction of fences or screening shall be uniform and no patchwork type of construction shall be permitted.
 3. Fences shall be kept in good order and repair and no advertisement shall be permitted thereon other than the name of the permit holder and the nature of the business conducted.

4. Design and construction of fences is also subject to rules and regulations promulgated by the West Virginia State Commissioner of Highways.

ARTICLE 5. ADMINISTRATION, ENFORCEMENT AND VIOLATIONS

Section 5.0 Administration

These rules and regulations shall be administered by The Grant County Planning Commission and the Salvage Yard Permit Officer designated by the Planning Commission. It shall also be the duty of the Salvage Yard Permit Officer to function as enforcement officer as it becomes necessary to initiate administrative or judicial remedies against salvage yard permit violators.

The Salvage Yard Permit Officer, or any other representative of the County Planning Commission shall have the right to inspect the premises of any salvage yard, whether announced or unannounced and at any reasonable time, for the purpose of enforcing these rules and regulations.

Section 5.1 Appeal

Any person aggrieved by a decision of the Salvage Yard Permit Officer and/or the Grant County Planning Commission with respect to the provisions of these rules and regulations may appeal that decision to the Grant County Commission. Such appeal must be filed, in writing, within thirty (30) days after the determination by the Planning Commission. The County Commission shall set a time and place not less than ten (10) nor more than thirty (30) days for the purpose of hearing the appeal. Public notice of the time and place of the hearing of the appeal shall be given to all parties at which time they may appear and be heard.

Section 5.2 Enforcement

Enforcement of these rules and regulations shall be the responsibility of the Salvage Yard Permit Officer, who shall make an initial interpretation that a violation has occurred. The Salvage Yard Permit Officer shall prepare a written "Violation Notice and Directive to Cease and Desist" and shall transmit such notice and directive to the person responsible for the violation. Failure to comply with a Directive to Cease and Desist shall be cause for the Planning Commission to declare the violation a common nuisance. Upon such declaration, the Planning Commission shall instruct the Salvage Yard Permit Officer to request the assistance of the Grant County Prosecuting Attorney, and:

- a. Seek an injunction in the circuit court of Grant County to restrain

the responsible person from continuing the violation cited or seek an injunction requiring removal of structures or land uses from the property involved

or

- b. The Grant County Planning Commission shall after due investigation of a complaint or instance of noncompliance, have the power to revoke the permit
- or
- c. Proceed by criminal warrant or information against the person in violation, or a. b. and c.

Section 5.3 Penalty

Any person violating any provision of these rules and regulations, whether as principal, agent or employee, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than one hundred dollars (\$100.00), nor more than one thousand dollars (\$1,000.00) in accordance with Chapter 17, Article 23, Section 9 of the Code of West Virginia. Each month, or portion of a month in which a violation of these rules and regulations is committed, continued or permitted, shall constitute a separate offense.

ARTICLE 6 AMENDMENT, CONFLICT WITH OTHER LAWS AND SEVERABILITY

Section 6.0 Amendment

By legislative procedure, the Grant County Planning Commission may, from time to time, amend, supplement or change the provisions of these rules and regulations.

Section 6.1 Conflict With Other Laws

Where the provisions of these rules and regulations impose greater restrictions than those of any statute, ordinance or regulation, the provisions of these rules and regulations shall be controlling. Where the provisions of any statute, ordinance or regulation propose greater restrictions that these rules and regulations, the provisions of such statute, ordinance or regulation shall be controlling. These rules and regulations shall not be construed in any manner that is not consistent with the purposes and provisions of State Law governing the licensing and maintenance of salvage yards.

Section 6.2 Severability

In any article, section, subsection, paragraph, clause or provisions of these rules and regulations shall be declared by a court of competent jurisdiction to be invalid, such decisions shall not affect the validity of these rules and regulations as a whole or any other part thereof.

ARTICLE 7. ENACTMENT

These rules and regulations are promulgated and adopted by the Grant
County Planning Commission this the _____ day of _____, 1985.