

**SALVAGE YARD ORDINANCE
FOR
MORGAN COUNTY, WEST VIRGINIA**

ARTICLE I. AUTHORITY, PURPOSE, TITLE, EFFECTIVE DATE

Section 1.0 Authority

By the authority of the Code of West Virginia, Chapter 17, Article 23, Section 4, the Morgan County Planning Commission is empowered to promulgate reasonable rules and regulations concerning the location and operation of salvage yards.

Section 1.1 Purpose

The purpose of this ordinance is to establish reasonable rules and regulations for obtaining an approval permit from the County Planning Commission for any persons wishing to secure a salvage yard license from the West Virginia Department of Highways. In addition, the purpose is to determine the effect of the proposed salvage yard on:

- A. Residential, business or commercial property investments and values;
- B. Social, economic and environmental impacts on community growth and development in utilities, health, education, recreation, safety, welfare, convenience and aesthetics; and
- C. To encourage the wise use and management of the natural and visual resources throughout the county.

Section 1.2 Title

This ordinance shall be known and may be cited and referred to as the "Morgan County Salvage Yard Permit Ordinance".

Section 1.3 Effective Date

This ordinance, established by action of the Morgan County Commission on February 21, 1985, shall take effect immediately and shall apply to all new salvage yards within the unincorporated areas of Morgan County.

ARTICLE II. DEFINITIONS

Section 2.0 Definitions

- A. Commission: shall refer to the Morgan County Commission.
- B. Fence: shall mean an enclosure, barrier or screen constructed of materials or consisting of plantings, natural objects or other appropriate means and located, placed, or maintained so as to effectively screen at all times salvage yards and the salvage therein contained from view of the public.
- C. Owner or Operator: shall include individual firm, partnership, association or corporation or the plural thereof.
- D. Permit Officer: shall refer to the person or person authorized to review salvage yard permit applications, make inspections of the proposed site and its effect on other properties and investments; and make recommendations for consideration of the Planning Commission.
- E. Planning Commission: shall refer to the Morgan County Planning Commission.
- F. Planning Commission - Salvage Yard Subcommittee: shall refer to a standing committee of the Morgan County Planning Commission consisting of not more than three Planning Commission members, who shall review the salvage yard permit applications, along with the permit officer, and make recommendations to the full Commission.
- G. Salvage: shall mean old or scrap copper, brass, rope, rags, batteries, paper, rubber, trash, waste, junked, dismantled or wrecked machinery, machine or motor vehicles or any parts, or any junked, dismantled or wrecked machinery, machine or motor vehicles, iron, steel, and other old or scrap ferrous or nonferrous materials.
- H. Salvage Yard: shall mean any place which is maintained, operated, or used for the storing, buying, keeping, or selling or processing of salvage, or for the operation and maintenance of a motor vehicle graveyard, and the term shall also include garbage dumps and sanitary landfills.

ARTICLE III. PERMIT REQUIREMENTS AND PROCEDURES

Section 3.0 Permit Requirements

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 provision of Chapter 17, Article 23, Section 4 of the Code of West Virginia is

hereby required to obtain a permit from the Morgan County Planning Commission.

Section 3.1 Permit Procedures

An application for a salvage yard permit shall be made in writing to the permit officer and shall include, but not limited to the following:

- A. Name and address of applicant;
- B. Name and address of the owner of the land upon which the proposed salvage yard is to be constructed;
- C. Site location map and sketch plan; and
- D. Description of proposed contents of salvage yard.

Upon completion of an application, a conference shall be scheduled between the applicant and the permit officer to discuss the proposed salvage yard and to complete impact assessment. The community impact assessment shall determine the effects of the salvage yard on the following:

- A. Residential, business or commercial property investments and values;
- B. Economic and social impacts on the community;
- C. Impact on community growth and development;
- D. Impact on utilities, health, education, recreation, safety, welfare, and convenience;
- E. Hours of operation;
- F. Identification and disposal of hazardous wastes;
- G. Sketch of proposed storm water runoff and control; and
- H. Areas prepared for the storage of salvage and specific kind of salvage.

Once the community impact assessment has been completed, the Planning Commission shall place notice of a public hearing in a newspaper of general circulation in the affected area not less than fifteen (15) days prior to the hearing.

The Planning Commission shall approve, conditionally approve, or

disapprove the salvage yard permit within fifteen (15) days of the public hearing. Failure to take action within fifteen days shall result in the approval of the application unless a waiver of this time period is granted by the applicant. If conditionally approved, all conditions must be met prior to issuance of a permit. If disapproved, the applicant shall be notified in writing of the Planning Commission's decision and the specific reasons for denial must be stated.

Section 3.2 Fees

A fee of twenty-five dollars (\$25) shall be charged for each application submitted to the Planning Commission for a salvage yard. The applicant will be responsible for all other fees and/or costs incurred during the review of the permit application.

ARTICLE IV. LOCATION STANDARDS

Section 4.0 Location Standards

- A. No salvage yard shall be located closer than 500 feet of a residence existing at the time the original salvage yard permit is first issued, unless it is the residence of the operator.
- B. No salvage yard shall be located closer than 500 feet of an approved subdivision existing at the time the original salvage yard permit is first issued.
- C. No salvage yard shall be located within 1,000 feet of an existing public or private school, or land owned by the Morgan County Board of Education or a public or private playground, park, or recreation area.
- D. No salvage yard shall 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 Morgan County.

Section 4.1 Site Design Standards

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

- A. Setbacks
 - 1. All salvage yard setbacks shall comply with the parameters established in the license requirements as stipulated in WV Code §17-23-4. In addition, salvage yards shall be set

back a minimum of 100 feet from any private road right-of-way.

2. Any structure intended for the burning or incineration of salvage materials shall be no closer than 100 feet from any property line.

B. Fencing and Screening

1. All outdoor storage of salvage material shall be conducted entirely within an enclosed fence, wall or other solid screen. All driveways through the fence shall be similarly screened. Such solid screen shall be constructed on the front, sides, and rear of the storage area, in accordance with the setbacks above, and shall be constructed in such a manner so as to, as reasonably as possible, screen salvage material from public view.
2. The construction of fences or screening shall be uniform and no patchwork type of construction shall be permitted.

ARTICLE V. OPERATING REQUIREMENTS

Section 5.0 Operating Requirements

- A. The storage of electrical transformers, whether temporary or permanent, shall be prohibited.
- B. The storage of materials classified as hazardous waste by the State of West Virginia shall be prohibited.
- C. All fluids removed shall be properly disposed of off the premises.
- D. No combustible materials of any kind, other than those necessary for the salvage yard or products of processing salvage material shall be kept on the premises, nor shall the premises be allowed to become a fire hazard.

ARTICLE VI. ENFORCEMENT AND VIOLATIONS

Section 6.0 Enforcement

Enforcement of this Ordinance shall be the responsibility of the permit officer, who shall make the initial interpretation as to whether a violation has occurred. The permit officer shall prepare a written notice of violation directing those in violation to cease and desist operations. Failure to comply with the cease and desist directive shall cause the Planning Commission to declare the

violation a public or common nuisance and request assistance from the Prosecuting Attorney to:

A. Seek an injunction in the Circuit Court of Morgan County to restrain the responsible person or persons from continuing the violation cited or seek an injunction requiring the removal of salvage from the property; or

B. Proceed by criminal warrant against the person in violation, or both (A) and (B).

Section 6.1 Violations

It shall be unlawful for any person to violate or permit to be violated any provisions of this ordinance.

Section 6.2 Penalty

Any person violating any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1000) in accordance with WV Code §17-23-9. Each month or portion of a month in which a violation of this ordinance is committed, continued or permitted, shall constitute a separate offense.

ARTICLE VII. APPEAL, AMENDMENT AND SEVERABILITY

Section 7.0 Appeal

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

Section 7.1 Amendments

This ordinance may, from time to time, be amended, supplemented, or changed by the Morgan County Commission after reviews and recommendations are given by the Morgan County Planning Commission.

Section 7.2 Severability

Should any section or provision of this ordinance be declared by the courts to be invalid for any reason, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid.