

CALHOUN COUNTY **SALVAGE YARD ORDINANCE**

AN ORDINANCE ESTABLISHING A SALVAGE YARD PERMIT SYSTEM AND PROMULGATING REASONABLE RULES AND REGULATIONS WHICH MUST BE MET PRIOR TO THE ISSUANCE OF SUCH PERMIT BY THE CALHOUN COUNTY COMMISSION; PROVIDING FOR THE APPLICATION PROCEDURE BY PROPOSED OPERATORS; ESTABLISHING FEES FOR SUCH PERMITS; AND ESTABLISHING PENALTIES FOR ANY PERSONS WHO FAIL TO COMPLY WITH THE REQUIREMENTS OR PROVISIONS OF THIS ORDINANCE.

BE IN ENACTED AND ORDAINED BY THE COUNTY COMMISSION OF CALHOUN COUNTY, WEST VIRGINIA, as follows:

Article 1.

Section 1.0 - General Authority

By authority of the Code of West Virginia, Chapter 17, Article 23, Section 4, the Calhoun County Commission is empowered to adopt, administer and enforce reasonable rules and regulations for the establishment of a salvage yard.

Section 1.1 - Purpose

The purpose of this ordinance is to carry out the intent and purpose of the Code of West Virginia relating to licensing and the operation of salvage yards within the State of West Virginia. The further purpose of this ordinance is to authorize the Calhoun County Commission to promulgate such reasonable rules and regulations including, but not limited to, determining the effect of the proposed salvage yard on residential, business or commercial property investment and values; establishing a quota for the number of salvage yards in Calhoun County; and determining 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 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

This ordinance shall be known and may be cited and referred to as the **"CALHOUN COUNTY SALVAGE YARD PERMIT ORDINANCE"**.

Section 1.3 - Permit Required

On and after the _____, any owner or operator establishing, operating or maintaining a salvage yard for which a license is required under the provision of Chapter 17, Article 23 of the Code of West Virginia, is hereby required to obtain a permit from the Calhoun County Commission.

Section 1.4 - Exempt Activities

The following activity is expressly exempt from the provisions of this ordinance:

- a. Any new or used motor vehicle dealer licensed by the State of West Virginia or any commercially-established motor vehicle repair shop, provided that any junked motor vehicles on site are serving a reasonable functional use in the operation of the business and would not otherwise constitute a salvage yard.

Section 1.5 - Effective Date

This ordinance, established by action of the Calhoun County Commission, shall take effect immediately upon adoption and shall apply to all salvage yards within the unincorporated territory of Calhoun County.

ARTICLE 2.

Section 2.0 - Definitions

For the purpose of this ordinance, the following definitions shall apply:

- a. COMMISSION shall mean the governing body of the county in which such salvage yard is to be located;
- b. COMMISSION MEMBER shall mean a member of the Calhoun County Commission;
- c. BUILDING PERMIT OFFICER shall refer to the person or persons authorized by the Calhoun County Commission to review salvage yard permit applications, make inspections of proposed site and its affects on other properties and investments; and make recommendations for consideration of the Calhoun County Commission;
- d. COMMUNITY IMPACT STATEMENT shall mean a report prepared by an applicant describing the scope and the feasibility of the proposed salvage yard. The Community Impact Statement also describes the physical, social and economic impacts a proposal may bring to the county and to the immediate area;
- e. FENCE shall mean an enclosure, barrier or screen constructed of materials or consisting of plantings, natural objects or other appropriate means approved by the 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 Calhoun County;
- f. OWNER OR OPERATOR shall mean an individual, firm, partnership, association or corporation or the plural thereof;
- g. SALVAGE shall mean old or scrap copper, brass, rope, rags, batteries, paper, rubber, 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;
- 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;
- i. SKETCH PLAN shall mean an informal drawing of a salvage yard proposal design and layout which is prepared according to the provisions of this ordinance and which assists the Calhoun County Commission and the applicant in reviewing the general scope, feasibility and impact of a proposed project.

ARTICLE 3.

Section 3.0 - Permit Application Procedures

Application for a salvage yard shall be made, in writing, to the Calhoun County Commission and shall include all information requested in the approved application form provided by the Calhoun County Commission.

- a. The Calhoun County Commission shall, upon request of applicant, schedule an application conference with a building permit officer to assist applicant in preparation of the application;
- b. The Calhoun County Commission shall, after receiving an application for a salvage yard permit, set a public hearing date and shall cause a public notice to be placed in a newspaper having a general circulation within the affected area no less than ten (10) days prior to the public hearing, advising the public of a hearing for the purpose of receiving public comments on the Salvage Yard Permit Application;
- c. The Calhoun County Commission shall approve with condition or 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 as presented, unless a waiver of this time period is granted to the Calhoun County Commission by the applicant;
- d. If the salvage yard application is disapproved, the Calhoun County Commission shall notify the applicant, in writing, of such action and the specific reason and/or reasons upon which the Calhoun County Commission based the disapproval action;
- e. Where a salvage yard proposal appears, to the Calhoun County Commission, to be a major concern, the applicant may be required to submit 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 improvement.

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 real estate upon which proposed salvage yard is to be established;
- c. Site location map;
- d. Sketch plan;
- e. Description of proposed contents of salvage yard;
- f. Hours of operation;
- g. Identify any and all hazardous waste material and/or materials and proposed storage for such materials;
- h. Community impact statement as to the effects of the salvage yard on the following:
 - (1) description of proposed contents of salvage yard;
 - (2) impact on 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 of proposed storm water run-off and control;
- (9) evidence that an application has been made for other required permits and/or licenses.

Section 3.2 - Fees

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

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

ARTICLE 4.

Section 4.0 - Site Design Standards

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

- a. SETBACKS – all salvage yard areas shall be set back a minimum of three hundred (300) feet from a state road right-of-way and one hundred (100) feet from a private road right-of-way. Where greater setbacks are required by state or federal law, the more restrictive shall apply.
- b. FENCING AND SCREENING – 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 that no salvage material is visible from an adjacent property, private or state road;
 - (2) The construction of fences or screening shall be uniform. All fences shall, at all times, be kept in good order and repair. No patchwork type of construction shall be permitted;
 - (3) No advertisement shall be permitted on any fences or screening material other than the name of the licensee and the nature of the business conducted on the premises.

ARTICLE 5.

Section 5.0 - Administration

This ordinance shall be administered by the Calhoun County Commission or its building permit officer. It shall also be the duty of the Calhoun County Commission or its building permit officer to function as enforcement officer as it becomes necessary to initiate administrative or judicial remedies against salvage yard ordinance violators. The building permit officer shall be under the supervision of the Calhoun County Commission.

The Calhoun County Commission, a commission member and/or the building permit officer shall have the right to inspect the premises of any salvage yard, either announced or unannounced, and at any reasonable time for the purpose of enforcing this ordinance.

Section 5.1 - Appeal

Any person aggrieved by a decision of the Calhoun County Commission and/or the building permit officer with respect to the provisions of this ordinance may appeal that decision to the Calhoun County Commission. Such appeal must be filed, in writing, within thirty (30) days after the determination of a violation. The Calhoun 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 of the appeal shall be given to all parties at which time they may appear and be heard.

Section 5.2 - Enforcement

Enforcement of this ordinance shall be the responsibility of the Calhoun County Commission and/or the building permit officer, who shall make an initial interpretation that a violation has occurred. The Calhoun County Commission or the building 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 Calhoun County Commission to declare the violation a common nuisance. Upon such declaration, the Calhoun County Commission shall request the assistance of the county prosecuting attorney and:

- a. Seek an injunction in the Circuit Court of Calhoun County to restrain the person responsible from continuing the violation cited or seek an injunction requiring removal of structures or land uses from the property involved;
- b. Proceed by criminal warrant, on the information, against the person in violation

Section 5.3 - Penalty

Any person violating any provision of this ordinance, whether as principal, agent or employee, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine or not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) in accord with Chapter 17, Article 23, Section 9 of the Code of West Virginia. Of the Code of West Virginia. 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 6.

Section 6.0 - Amendment

By legislative procedure, the Calhoun County Commission may, from time to time, amend, supplement or change the provisions of this ordinance.

Section 6.1 - Conflict With Other Laws

Where the provisions of any statute, other ordinance or regulation pose greater restrictions than this ordinance, the provision of such statute, ordinance or regulation shall be controlling. This ordinance 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

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

ENACTED AND ORDAINED THIS THE _____ DAY OF _____, 2025.

THE CALHOUN COUNTY COMMISSION

Craig Arthur, President

Jacob McCumbers, Commissioner

Eric Lupardus, Commissioner

ATTEST: _____
Jean Simers, Calhoun County Clerk