

Salvage Yard Ordinance

Wood County, West Virginia

Effective Date:
February 21, 1985

Amended:
April 6, 1987
May 4, 1989
October 4, 1993

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 Wood County Planning Commission is empowered to adopt, administer, and enforce reasonable rules and regulations for the establishment, operation, or maintenance of a Salvage Yard.

Section 1.1 Purpose

The purpose of this Ordinance is to establish a permit procedure and set forth reasonable rules and regulations for the establishment, operation, and maintenance of a Salvage Yard. More specifically, this Ordinance is adopted for the following purposes:

- (a) To protect and provide for the public health, safety, and general welfare of the County
- (b) To promote the harmonious development of the County to secure safety from fire, flood, and other dangers.
- (c) To promote safe and efficient access to the existing transportation network and particularly the highway system.
- (d) To protect and conserve the value of land throughout the County and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
- (e) To prevent the pollution of air, streams, and other water bodies; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of the natural and visual resources throughout the County in order to preserve the integrity, stability, and natural beauty of the community.
- (f) To guide future growth and development in accordance with the Comprehensive Plan.

Section 1.2 Title

This Ordinance shall be known, cited, and referred to as the WOOD COUNTY SALVAGE YARD ORDINANCE.

Section 1.3 Permit Required

A Salvage Yard Permit shall be required prior to the establishment of a salvage yard. Any salvage yard which is not licensed in accordance with Article 23, Chapter 17, Section 3 of the Code of West Virginia at the time of adoption of this Ordinance shall require a permit under this Ordinance. In addition, a permit shall be required for the expansion of a salvage yard issued a permit under this Ordinance. No permit shall be issued until it conforms with all other County Land Development laws and the laws of the State of West Virginia.

Section 1.4 Exempt Activities

The following activities are expressly exempt from the provisions of this Ordinance:

- (a) Any new or used motor vehicle dealer licensed by the State of West 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. A commercially established repair shop shall not include part-time or "hobby" repair shops or other establishments which are not the principal occupation of the proprietor.
- (b) Publicity owned and operated solid waste disposal facilities approved by the West Virginia Department of Natural Resources under Chapter 20, Article 5F and the Legislative Regulations for Solid Waste Management, as amended.

Section 1.5 Effective Date

This Ordinance, established by action of the Wood County Commission on February 21, 1985, shall take effect on February 21, 1985, and shall apply to all salvage yards within the unincorporated territory of Wood County.

ARTICLE 2. INTERPRETATION AND DEFINITIONS

Section 2.0 Interpretation

For the purpose of this Ordinance, the following interpretations shall apply:

- (a) Words used in the present tense include the future tense.
- (b) The singular includes the plural.
- (c) The plural includes the singular.
- (d) The word "person" includes a corporation, unincorporated association or partnership, as well as individual.
- (e) The term "shall" or "will" is always mandatory.

- (f) The word “building” or “structure” shall be construed as if followed by the phrase “or part thereof.”
- (g) The word “County” shall refer to Wood County, West Virginia.
- (h) The word “Ordinance” shall refer to Wood County Salvage Yard Ordinance.

Section 2.1 Definitions

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

- (1) Agriculture: The cultivation of plant crops or raising of livestock. Agriculture is the organized use of land for the production of plant or animal food, fiber, or landscape products. Beef and dairy farms, grain farms, orchards, plant nurseries, and tree farms are forms of agriculture.
- (2) Building: Any structure which is permanently affixed to the land and has one or more floors and a roof.
- (3) Community Impact Statement (CIS): A report prepared by an applicant describing the scope and feasibility of his proposed salvage yard. The CIS also describes the physical, social, and economic impacts a proposal may bring to the County and to the immediate area.
- (4) Construction Bond: a written instrument with a clause binding an applicant to pay a certain penalty (or a portion thereof) to the County Commission; conditioned, however, with a statement that the payment of the penalty (or a portion thereof) may be avoided upon satisfactory construction and completion of improvements required by the Planning Commission. A Construction Bond is secured by a surety, by cash in escrow, or by other means satisfactory to the Wood County Commission and the Wood County Planning Commission.
- (5) Insurance Bond: The amount of the bond shall be set by the Planning Commission, with a minimum requirement of \$300.00.
- (6) County Commission: The Wood County Commission, three Commissioners elected at-large by magisterial district.
- (7) County Engineer or Surveyor: A member of the Planning Commission (or a consultant) who is registered (or able to be registered) as a West Virginia Professional Engineer or a licensed land surveyor.
- (8) County Land Development Laws: The Ordinance adopted by the Wood County Commission for the purposes of monitoring and regulating the development of land. This shall include the Subdivision Regulations, The Building Permit System, and any other similar Ordinance officially adopted by the County Commission.
- (9) Fence: 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 effectively to screen at all times salvage yards and the salvage therein contained from the view of persons upon the public roads of this state.

- (10) Land Development Coordinator: The Building Permit and Flood Insurance Inspector charged with the administration and enforcement of this Ordinance and other land development laws in Wood County.
- (11) Motor Vehicle: Any device in which persons or property may be transported and is, or was, self-propelled.
- (12) Motor Vehicle, Junked: Any motor vehicle which is discarded, wrecked, ruined, scrapped, or dismantled; cannot pass the State Motor Vehicle inspection; and, is not serving a reasonable functional use or purpose or is not in an enclosed building.
- (13) Motor Vehicle Repair Shop: Any commercially established building or land used for the servicing, repairing, or equipping of motor vehicles. A motor vehicle repair shop shall include commercial garages and body shop.
- (14) Planning Commission: The Wood County Planning Commission. A thirteen-member Commission appointed by the Wood County Commission to promote the orderly development of the County.
- (15) Salvage: Old or scrap brass, copper, iron, steel, other ferrous or nonferrous materials, batteries or rubber and any junked, dismantled or wrecked machinery, machines or motor vehicles or any parts of any junked, dismantled or wrecked machinery, machines or motor vehicles.
- (16) Salvage Yard: 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 vehicles graveyard, and the term shall also include garbage dumps and sanitary landfills, any collection of three or more junked motor vehicles, or combination of ferrous or nonferrous materials together with one or more junked motor vehicles, or a collection of any salvage contained in an area more than one quarter acre in size, shall be considered a salvage yard.
- (17) Solid Waste Disposal Facility: Any facility established, modified, or operated for the purpose of the disposal of solid waste as defined by West Virginia Department of Natural Resources, Legislative Regulations for Solid Waste Management, as amended.
- (18) Plat: a plat, signed by a licensed surveyor or civil engineer, of a salvage yard proposal design and layout which is prepared according to the provision design and layout which is prepared according to the provisions of this Ordinance and which assists the Planning Commission and the applicant in reviewing the general scope, feasibility, and impact of a proposed project.
- (19) Structure: Anything constructed, the use of which required fixed location on the ground; or, anything attached to something having fixed location on the ground; or, anything attached to something having such location. A structure does not include fences, individual driveways, or retaining walls.

- (20) Abandoned Salvage Yards: Means any unlicensed salvage yard or any salvage yard that was previously licensed but upon which the license has not been renewed for more than one year.
- (21) Owner or Operator: Includes an individual, firm, partnership, association or corporation or the plural thereof.
- (22) Residential Community: Means an area wherein five or more occupied private residences are located within any one thousand feet radius.
- (23) Occupied Private Residence: Means a private residence which is occupied for at least six months each year.
- (24) Commissioner: Commissioner of the West Virginia Department of Highways.

ARTICLE 3. PERMIT PROCEDURES AND REQUIREMENTS

Section 3.0 Permit Procedures

Salvage yard proposals are reviewing by the Planning Commission at two stages:

- (1) Application Conference and Community Impact Evaluation.
- (2) Final Public Hearing.

Upon request, exception from the review process may be granted by the Planning Commission for salvage yard proposals which are small and appear to have little impact on the County. The Planning Commission may advance such proposals directly to the Final Public Hearing stage, provided a site inspection by the Staff reveals no apparent difficulty. Although certain requirements for documentation of the proposal may be waived, advancing the application shall not exempt a proposal from other requirements of this Ordinance.

- (a) A permit application shall be made, on forms provided by the Planning Commission and shall be submitted to the Planning Commission Office fourteen (14) days prior to a regularly scheduled meeting. In addition, the applicant shall submit the following information:
 - 1. Community Impact Statement as required in Section 3.1
 - 2. Plat as required in Section 3.2
 - 3. Appropriate certification of approval (entrance permit) from the West Virginia Department of Highways where applicable.
 - 4. Other permits, licenses, or approval required under County, State, or Federal laws or written evidence that application has been made and received for such approvals.

- (b) Upon submission of a completed application and community impact statement, an Application and Community Impact Evaluation Conference shall be scheduled between the applicant and the Planning Commission. Conference will be held at a regular monthly meeting of the Planning Commission.
- (c) At the Application and Community Impact Evaluation Conference, that applicant and Planning Commission review and discuss the materials submitted. The scope of the proposed salvage yard is examined according to the impact it will have on the physical, social, and economic conditions within the County. Modifications to the community Impact Statement or the plat are made by the applicant, if appropriate. The Planning commission renders a decision whether to approve the concept, require additional information, or deny the application. Examples of other information which may be required are a more detailed Community Impact Statement or a more detailed plat.
- (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) If the application is approved in concept or the applicant submits the information required by the Planning Commission, and is deemed sufficient to meet the concerns of the Planning Commission, a date shall be set for a public hearing at a regular meeting of the Planning Commission. Regular meetings of the Planning Commission are held on the fourth Wednesday of each month.
- (f) The Planning Commission shall place a Notice of Public Hearing in a newspaper having general circulation with the affected area no less than (10) days prior to the hearing.
- (g) The public hearing is held before the Planning Commission in order to solicit new or revised information from the public not previously considered at the Application and Community Impact Evaluation stage. The Planning Commission, after considering public comment, all previous information and comment, the provisions of Section 17-23-4 of the Code of West Virginia, may approve, approve with conditions, or disapprove the salvage yard proposal.
- (h) 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.

- (i) If the salvage yard application is approved with conditions, the conditions must be met prior to issuance of a permit, where applicable, or must be attached to the permit.
- (j) If the salvage yard application is disapproved, the applicant is advised in writing of the Planning Commission action and of the specific reason upon which the action was based.
- (k) Adjoining property owners shall be notified by Registered Mail when an Application for Salvage Yard Permit has been submitted. Property owners have fifteen (15) days from the date of the Registered Letter in which to respond.

Section 3.1 Community Impact Statement

All salvage yard proposals shall be accompanied by a written Community Impact Statement (CIS). The purpose of the CIS is to provide the Planning Commission with much of the information necessary to consider the potential impacts a salvage yard may have on the County as a whole. The content shall be sufficient to permit an examination of these impacts.

(a) Basic descriptive information about a salvage descriptive information about a salvage yard proposal shall include:

- (1) Name and address of owner/developer.
- (2) Name and address of contact person.
- (3) Tract size, shape, and location.
- (4) General description of the nature of the salvage yard, the types of material to be stored, and the anticipated market for salvage purchased and sold by the operator.
- (5) Number, approximate size, and location and intended function or use of proposed building on the sites, if any.
- (6) General description of surface conditions (topography).
- (7) Soil and drainage characteristics.
- (8) Existing natural or manmade features including, vegetative cover, water bodies, quarries, and rock outcropping.
- (9) General location and description of existing structures.
- (10) General location and description of existing easements or rights-of-ways.
- (11) Existing covenants and restrictions.
- (12) Intended improvements.
- (13) Intended earthwork that would alter the topography.

- (14) Proposed covenants and restrictions.
- (15) Tentative development construction schedule.
- (16) Anticipated projects costs.
 - (b) A discussion of the relationship of the proposed salvage yard to the community (County) and the area around the salvage yard shall consider the following items:

Physical Impacts

- (1) Earthworks, as it affects drainage, removal of vegetation and soil, and alteration of the natural terrain.
- (2) Conversion of farmland to a nonfarm use.
- (3) Wildlife populations.
- (4) Groundwater and surface water resources- use, depletion, contamination, flow change.
- (5) Compatibility of the proposal with the surrounding area in terms of land use and visual appearance.
- (6) Impact on sensitive natural areas such as water; recharge areas, stream and riverbanks, hillsides, forests, wetlands, and water bodies.

Social Impacts

- (7) Traffic characteristics- type and frequency of traffic, adequacy and safety of existing transportation routes and facilities; origin and destination of traffic.
- (8) Fire and police protection- on site measures proposed to minimize the risk of fire and steps to minimize vandalism.
- (9) Sewer and water facilities, if any.
- (10) Proximity and relationship to known historic features.
- (11) Relationship of the project to the Comprehensive Plan.

Economic Impact

- (12) Property tax evaluation.
- (13) Local employment implications.
- (14) Expected changes in property values.

Section 3.2 Plat

A plat shall be submitted with an application for a salvage yard. The plat shall be a blueprint and shall show complete topography, boundary lines, and existing structures and utilities of the proposed salvage yard. In addition, the plat shall show the following information:

- (a) Natural features be submitted with an application for a salvage yard. The plat shall be a blueprint and shall show complete topography, boundary lines, and existing structures and utilities of the proposed

salvage yard. In addition, the plat shall show the following information:

- (b) Areas proposed for the storage of salvage and the specific type of salvage proposed.
- (c) Location of buildings or structures, if any.
- (d) Proposed access and internal road network.
- (e) Parking areas for customer and employee parking.
- (f) Measures proposed to manage storm water and to minimize erosion.
- (g) Salvage and building setback lines.
- (h) Vicinity map.

Where a salvage yard proposal appears to the Planning Commission to be a major concern, the applicant may be required to submit in more detail proposed storm water management plans, erosion and sediment controls, and detailed construction plans for all improvements. Additional information or detail may be required by the Civil Engineer or Surveyor.

Section 3.3 Performance Guarantees

When there appears to be a need to ensure that certain improvement are completed of the salvage yard is maintained and operated in accordance with this Ordinance, the Planning Commission may require that construction bond, or other form of surety, be provided. The form of surety and the amount shall be acceptable to the Planning Commission and must be approved by the County Commission liability insurance coverage affecting the salvage yard in a minimum amount of \$300,000, and if required, additional coverage as designated by the Planning Commission. The application is to exhibit proof of coverage on the anniversary date of the issuance of the permit.

Section 3.4 Fees

A fee of twenty-five dollars (\$25.00) shall be charged for each application submitted to the Planning Commission for a salvage yard.

ARTICLE 4. LOCATION AND SITE DESIGN STANDARDS; OPERATING REQUIREMENTS

Section 4.0 Location Standards

A salvage yard shall not be established unless it meets all of the following location standards:

- (a) No salvage yard shall be located closer than 1,000 feet of an existing residence, nor shall be located within 5,000 feet of the nearest occupied residence which is part of a Residential Community.

- (b) No salvage yard shall be located within 1000 feet of any existing public or private school, or land owned by the Wood County Board of Education, or a public or private playground, park or recreation area.
 - (c) No salvage yard shall be located within 200 feet from any year-round stream, run, river, pond, or other water body. In addition, salvage yards are prohibited within a Flood Prone Area as determined by the Flood Insurance Study prepare for Wood County.
 - (d) All salvage yards should have direct access to a State highway. Access through a private road may be considered if the applicant provides written evidence that the following criteria is met:
 - (1) All private road rights-of way shall be at least 40 feet in width. Greater right-of-way widths may be required by the Planning Commission; and
 - (2) All private road rights-of way shall be a exclusive right-of-way;
- OR
- (3) All parties of interesting a nonexclusive right-of-way shall consent to the use of the private road for the purpose of a salvage

Section 4.1 Site Design Standards

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

- (a) Setbacks
 - (1) All salvage yard areas shall be set back a minimum of 500 feet from a State road right-of-way and 100 feet from a private road right-of-way. Where greater setbacks are required by State or Federal law, the more restrictive shall apply.
 - (2) No license shall be issued to establish a salvage yard or any part thereof within 1000' of the nearest edge of the right-of-way of any road within the state road system designated and classified as expressway, trunk line or feeder, or any road within the state road system designated and classified or redesignated and reclassified for purpose of allocation of federal highway funds as part of the federal-aid interstate or primary systems.
 - (3) All salvage yard areas shall be set back a minimum of 100 feet from any common property line.
 - (4) All salvage material shall be stored no closer those 15 feet from the perimeter fence or screening to allow access for emergency and fire fighting equipment.

- (5) Any structure intended for the burning or incineration of salvage material shall be no closer than 100 feet from any property boundary.

(c) Fencing

- (1) All outdoor storage of salvage material shall be conducted entirely within an enclosed fence. The enclosed fence shall consist of a chain link fence with strips and with inverted barbwire at the top. All enclosed fences shall be a minimum of 8 feet in height. All driveways through the fence shall be similarly screened. Such fencing shall be constructed on the front, sides, and rear of the storage area in accordance with the setback above, and shall be constructed in such a manner that no salvage material is visible from an adjacent property, private road, or State road.
- (2) The construction of fences shall be uniform and no patchwork type of construction shall be permitted.

(d) Parking

One off-street parking space shall be provided for each employee. In addition, two spaces per acre of salvage yard areas shall be provided for patrons up to 12 spaces. The Planning Commission may require additional parking spaces.

Additional site design standards may be required by the Wood County Planning Commission at the recommendation of the Planning Commission at the recommendation of the Planning Commission Staff or the County Surveyor pursuant to the purposed of this Ordinance (Section 1.1 Purpose).