

**PUTNAM COUNTY
SALVAGE YARD
PERMIT ORDINANCE
PUTNAM COUNTY,
WEST VIRGINIA**

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Revised: December 11, 2001**

PUTNAM COUNTY SALVAGE YARD PERMIT 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 PERMITS BY THE PLANNING COMMISSION; PROVIDING FOR THE APPLICATION PROCEDURE BY PROPOSED OWNERS AND OPERATORS; ESTABLISHING FEES FOR SUCH PERMITS; AND ESTABLISHING PENALTIES FOR ANY PERSONS, PARTNERSHIPS, BUSINESSES AND/OR CORPORATIONS WHO FAIL TO COMPLY WITH THE REQUIREMENTS OR PROVISIONS OF THIS ORDINANCE.

BE IT ENACTED AND ORDAINED BY THE COUNTY COMMISSION OF PUTNAM COUNTY, WEST VIRGINIA, as follows:

ARTICLE 1.0 AUTHORITY AND PURPOSE

Section 1.1 General Authority

By authority of the Code of West Virginia, Chapter 17, Article 23 the Putnam County Commission is empowered to adopt, administer and enforce reasonable rules and regulations for the establishment and expansion of salvage yards within the unincorporated areas of Putnam County, West Virginia.

Section 1.2 Purpose

The purpose of this ordinance is to regulate the establishment, maintenance, operation, and expansion of salvage yards, as defined by this ordinance, for the purpose of protecting the health, safety, comfort, convenience and general public welfare of Putnam County residents.

Section 1.3 Title

This ordinance shall be known and may be cited and referred to as the “Putnam County Salvage Yard Permit Ordinance.”

Section 1.4 Permit Required

On and after the enactment date of this ordinance, and subsequent amendments, any owner or operator establishing, operating, maintaining or expanding a salvage yard, as defined in this ordinance, for which a West Virginia Division of Highways license has not been previously issued is hereby required to obtain a nontransferable permit from the Putnam County Planning Commission.

Section 1.5 Exempt Activities

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

- 1) Any new or used motor vehicle dealer licensed by the State of West Virginia; Provided that any junked motor vehicles on site are serving a reasonable functional use in the operation of the business. Wrecked, dismantled, rebuilt dealers licensed by the state of West Virginia are not exempt from the requirements of this ordinance.

- 2) Any recycling facility or center authorized by the Putnam County Solid Waste Authority as long as such facility or center is not engaged in the salvage of automobile hulks or waste tires.

Section 1.6 Effective Date

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

ARTICLE 2.0 DEFINITIONS

Section 2.1 Definitions

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

Building Permit Officer - the person or persons authorized to review salvage yard permit applications, make inspections of proposed sites and their impact on surrounding properties and make recommendations for consideration by the Planning Commission.

Division of Highways - the West Virginia Department of Transportation, Division of Highways.

Fence - see "Screen".

Fire Coordinator - the Putnam County Fire Coordinator.

Occupied Private Residence - a private residence which is occupied for at least six months of the year.

Owner or Operator - an individual, firm, partnership, association, business or corporation or the plural thereof.

Planning Commission - the Putnam County Planning Commission.

Planning Director - the Director of the Putnam County Office of Planning & Infrastructure.

Planning Office - the Putnam County Office of Planning & Infrastructure.

Planning Staff – persons employed in the Putnam County Office of Planning & Infrastructure.

Recycling Facilities - any solid waste facility established for the purpose of recycling at which neither land disposal nor biological, chemical or thermal transformation of solid waste occurs; provided, that mixed waste recovery facilities, sludge processing facilities and composting facilities are not considered recycling facilities.

Residential Community - an area where five or more private residences are located within any one thousand foot radius.

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.

Salvage yard -

- 1) 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. No salvage yard shall accept, store or process more than one hundred waste tires unless it has all permits necessary to operate a waste tire processing facility or solid waste facility. Any salvage yard which currently has on its premises more than one hundred waste tires not on a vehicle must establish a plan in conjunction with the West Virginia Division of Environmental Protection for the proper disposal of the waste tires.
- 2) The term shall also include garbage dumps and sanitary landfills; provided that such landfill is not established by the County or State.

Screen - 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 public roads.

Sketch Plan - an informal drawing of a salvage yard proposed design and layout which is prepared according to the provisions of this ordinance and which assists planning staff in reviewing the general scope, feasibility and impact of a proposed project prior to the submission of a complete site plan by the applicant.

Solid Waste Facility - any system, facility, land, contiguous land, improvements on the land, structures or other appurtenances or methods used for processing, recycling or disposing of solid waste. Salvage yards are not considered solid waste facilities because automobile hulks are not considered part of the general residential or commercial solid waste stream.

ARTICLE 3.0 PERMIT PROCEDURES AND REQUIREMENTS TO ESTABLISH OR EXPAND SALVAGE YARDS

Section 3.1 Permit Application Procedures

An application for a salvage yard permit shall be made, in writing, to the Putnam County Planning Commission on forms prescribed by the Planning Office. The application shall include, at a

minimum, a detailed site plan prepared by a professional surveyor or engineer licensed in the State of West Virginia and indicating the specific site characteristics, proposed storm water management plans, required setback and distancing requirements, and erosion and sediment control measures.

An application for a salvage yard permit shall include a list of all property owners' names and addresses located within 500 feet of the affected area, as of record in the Office of the Putnam County Tax Assessor. The subject property also shall be included in the affected area. The applicant must also submit the tax map and parcel numbers for the list of properties along with a stamped and addressed envelope for each of the names and addresses of property owners in the affected area. If the list includes a lot within a subdivision, the applicant must submit the name of the president for that subdivision's homeowners association.

Planning staff will endeavor to conduct a review of the completed application within ten working days.

The Planning Office will publish a legal advertisement describing the salvage yard permit application in a local newspaper of general circulation fifteen days prior to the scheduled public hearing before the Planning Commission. The prepared envelopes notifying the property owners located within 500 feet of the affected property will be mailed at the same time the legal advertisement is submitted to the newspaper for publication.

The Planning Commission shall hold a duly scheduled public hearing on the salvage yard permit application. The Planning Commission shall approve as is, approve with conditions, or deny the application. A copy of the letter of approval and, if applicable, the conditions of approval, or denial shall be forwarded to the West Virginia Division of Highways by the Planning Office. If the salvage yard application is denied, the applicant is advised in writing of the Planning Commission decision and the specific reasons upon which the decision was based.

Annually on February 1, all licensed salvage yard operators shall provide a copy of the operator's renewed license received from the West Virginia Division of Highways to the Planning Office. Failure to do so shall constitute a violation of this ordinance and the licensee shall be subjected to the penalties established by this ordinance.

Section 3.2 Fees

The fee for a salvage yard permit shall be twenty-five dollars payable upon the filing of the application. The approved County permit shall be displayed along with the license from the Division of Highways in a place readily accessible for general public inspection.

ARTICLE 4.0 SITE DESIGN STANDARDS

Section 4.1 Site Design Standards

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

1. *Setbacks*

- a) Minimum setback from a State right-of-way (including expressway, trunkline, and feeder designated roads and federal interstate roads as defined by the West Virginia Division of Highways) shall be 1,000 feet.
- b) Minimum setback from all other public right-of-ways shall be 500 feet unless the view from the road is effectively screened and obscured by fences.
- c) The minimum setbacks shall not apply to landfills established and maintained by the State or County if the landfill is effectively screened and obscured by natural objects, plantings, fences or other appropriate means so as not to be visible from the main traveled way.
- d) Minimum setback from an occupied private residence shall be 1,000 feet unless waived by the owner of such residence. The waiver must be in writing and duly notarized. Minimum setback from the nearest occupied private residence which is part of a residential community shall be 5,000 feet.
- e) Minimum setback from any existing public or private school, or land owned by the Putnam County Board of Education, or a public or private playground or recreation area shall be 1,000 feet.
- f) Minimum setback from any year-round water body or water course shall be 200 feet.

2. *Screening*

Fencing or screening is not required except, where applicable, as an alternative for those salvage yards which cannot meet local setback requirements. If screening is to be substituted for setbacks, all outdoor storage of salvage materials shall be contained within solid screen. This screen must be setback at least five feet from the road right-of-way and must not interfere with the safe ingress and egress of traffic. All such 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 road or state road. The construction of fences or screening shall be uniform. No advertisement shall be permitted on the fence or screening other than the name of the licensed salvage yard and the nature of the business conducted on the premises.

Where screening would not mitigate such negative impacts as excessive noise, smoke, dust, odors, glare or heat for adjacent property owners, the Planning Commission may prohibit screening as an alternative to the minimum setback requirements.

The Planning Director may approve practical alternatives to the solid screening requirement on the basis of written findings that natural or man-made features serve

the same purpose and intent as the solid screening required in this section. Practical alternatives may include, but are not limited to, an existing tree line, a ridge, a hillside or an existing solid fence.

3. Access

Access to the interior of the salvage yard shall be a minimum of twenty feet.

4. Other

All salvage shall be stored in piles not exceeding fifteen feet in height and shall be arranged so as to permit safe and easy access throughout the salvage yard.

Section 4.2 General Standards

The applicant for a salvage yard permit must notify the County Fire Coordinator of his/her intent to establish or expand a salvage yard. Copy of said notification must be presented to the Planning Commission prior to review of the application.

Any production, processing, cleaning, servicing, testing, repair, or storage of materials or products which shall be injurious or offensive to occupants of adjacent premises by reason of the emission of noise, vibration, smoke, dust, or particulate matter, toxic, and noxious materials, odors, glare, or heat shall be prohibited.

The salvage yard shall at all times be maintained in a safe and sanitary condition in accordance with the State of West Virginia Health Department Regulations and Fire Code.

The storage of hazardous waste and/or electrical transformers shall be prohibited.

Drainage from adjacent properties onto the site or from the site to adjacent properties shall not create a health hazard, erosion, or other undesirable conditions.

All salvage yards located within designated floodplain areas shall be developed in accordance with the Putnam County Floodplain Management Program Ordinance and all other applicable County, State and federal regulations governing such development.

ARTICLE 5.0 ADMINISTRATION, ENFORCEMENT AND VIOLATIONS

Section 5.1 Administration

This ordinance shall be administered by the Planning Office. It shall be the duty of the 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 have the right to inspect the remises of any salvage yard, either announced or unannounced, and at any reasonable time, for the purposes of enforcing this ordinance.

Section 5.2 Appeal

Any person aggrieved by a decision of the Building Permit Officer and/or the Planning Commission with respect to the provisions of this ordinance may appeal that decision to the Putnam County Commission. Such appeal must be filed on forms prescribed by the Planning Office, and accompanied by the required fee, within thirty days after the original decision. The County Commission shall set a date, time and place of not less than ten nor more than thirty days from the time the written request is received for the purpose of hearing the appeal. Public notice of the date, time and place of the hearing shall be given to all parties, including all affected property owners located within 500 feet of the applicant salvage yard, at which time they may appear and be heard.

Section 5.3 Enforcement

Enforcement of this ordinance shall be the responsibility of the Building Permit Officer, who shall make an initial interpretation that a violation has occurred. The Building Permit Officer shall be authorized to revoke a salvage yard permit if any person, partnership, business or corporation violates any provisions of the ordinance. Such revocation shall be in effect until such time that violations, as cited, have been corrected and approved by the Building Permit Officer.

The Building Permit Officer shall issue a "Violation Notice and Directive to Cease and Desist" to the entity responsible for the violation. Failure to comply with a Directive to Cease and Desist shall be cause for the Planning Director to declare the violation a common nuisance. Upon such declaration, the Planning Director shall request the assistance of the County's legal counsel to seek an injunction in the Circuit Court of Putnam 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.

Section 5.4 Penalty

Pursuant to West Virginia Code §17-23-9, any person, partnership, business or corporation 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 of not less than one hundred dollars no more than one thousand dollars. 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 6.0 AMENDMENT, CONFLICT WITH OTHER LAWS AND SEVERABILITY

Section 6.1 Amendment

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

Section 6.2 Conflict With Other Laws

Where the provisions of this ordinance impose greater restrictions than those of any other ordinance or regulation, the provisions of this ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation propose greater restrictions than this ordinance, the provisions

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 6.3 Severability

If any article, section, subsection, paragraph, clause or provision of this ordinance shall be declared by a court of competent jurisdiction to be invalid, such invalidity shall not affect other provisions or applications of this ordinance, and to this end the provisions of this ordinance are declared to be severable.

ARTICLE 7.0 ENACTMENT

Enacted and ordained this 11th day of December, 2001.

THE COUNTY COMMISSION OF PUTNAM COUNTY, WEST VIRGINIA

James A. Withrow, President

Clinton E. Beaver, Commissioner

James H. Caruthers, Jr., Commissioner

Approved by Counsel:

Jennifer Scragg
Counsel to the County Commission