

tively, in 1992. See the parallel reference table in § 68-211-101 for the former and new section locations.

**Cross-References.**

Penalty for Class B misdemeanor, § 40-35-111.

**Section to Section References.**

Sections 68-211-701 — 68-211-704 are referred to in § 68-211-105.

Sections 68-211-701 — 68-211-705 are referred to in § 68-211-707.

This section is referred to in § 68-211-704.

**Cited:**

Brundage v. Cumberland County, 357 S.W.3d 361, 2011 Tenn. LEXIS 1153 (Tenn. Dec. 19, 2011).

**NOTES TO DECISIONS**

**1. Notice Sufficient.**

Notice requirements of T.C.A. §§ 68-211-703 and 68-211-704 were complied with where the first notice of hearing was published two months after the filing of the application, and the final notice was made 11 days before the public hearing. Tucker v. Humphreys County,

944 S.W.2d 613, 1996 Tenn. App. LEXIS 734 (Tenn. Ct. App. 1996), overruled, Tenn. Waste Movers, Inc. v. Loudon County, 160 S.W.3d 517, 2005 Tenn. LEXIS 223 (Tenn. 2005), overruled, Brundage v. Cumberland County, 357 S.W.3d 361, 2011 Tenn. LEXIS 1153 (Tenn. Dec. 19, 2011).

**68-211-704. Time limit for determination — Criteria considered.**

(a) Within thirty (30) days after notice and an opportunity for a public hearing as provided in § 68-211-703, the county legislative body, the municipal governing body or both such entities shall approve or disapprove the proposed new construction for solid waste disposal by landfilling or solid waste processing by landfilling.

(b) The following criteria shall be considered in evaluating such construction:

- (1) The type of waste to be disposed of at the landfill;
- (2) The method of disposal to be used at the landfill;
- (3) The projected impact on surrounding areas from noise and odor created by the proposed landfill;
- (4) The projected impact on property values on surrounding areas created by the proposed landfill;
- (5) The adequacy of existing roads and bridges to carry the increased traffic projected to result from the proposed landfill;
- (6) The economic impact on the county, city or both;
- (7) The compatibility with existing development or zoning plans; and
- (8) Any other factor which may affect the public health, safety or welfare.

(c) Judicial review of the legislative body's determination shall be a de novo review before the chancery court for the county in which the landfill is proposed to be located.

**History.**

Acts 1989, ch. 515, § 5; T.C.A., § 68-31-704.

**Compiler's Notes.**

Former title 68, ch. 31, parts 1-9 were transferred to title 68, ch. 211, parts 1-9, respectively, in 1992. See the parallel reference table in § 68-211-101 for the former and new section locations.

**Section to Section References.**

Sections 68-211-701 — 68-211-704 are referred to in § 68-211-105.

Sections 68-211-701 — 68-211-705 are referred to in § 68-211-707.

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