

**MUNICIPALITY OF MONROEVILLE**  
**ALLEGHENY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2528**

**AN ORDINANCE OF THE MUNICIPALITY OF MONROEVILLE, ALLEGHENY COUNTY, PENNSYLVANIA, A HOME RULE CHARTER COMMUNITY, REPEALING ORDINANCE NO. 1936 AND ADOPTING NEW COMPREHENSIVE LAND DISTURBANCE REGULATIONS.**

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Council of the Municipality of Monroeville, County of Allegheny, Commonwealth of Pennsylvania, and it is hereby ordained and enacted by the authority of the same as follows:

Section 1. The Municipality of Monroeville desires to repeal Ordinance No. 1936 and adopt minimum standards to safeguard persons and property, to protect and to promote the public welfare, by preventing excess erosion, hazardous rock and soil slippage, sedimentation and other soil and water management problems, and by regulating and controlling the design, construction, quality of materials, use, location and maintenance of grading projects, including excavation, cut and fill operations as more particularly described in Exhibit "A" attached hereto.

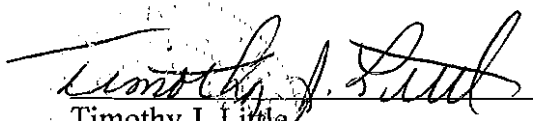
Section 2. All Ordinances or Resolutions or parts of Ordinances or Resolutions in conflict herewith are hereby repealed.

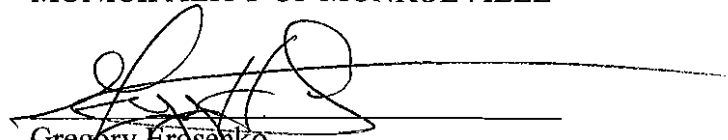
Section 3. This Ordinance shall take effect January 1, 2012.

**ORDAINED AND ENACTED** into law the 9<sup>th</sup> day of November 2011.

ATTEST:

MUNICIPALITY OF MONROEVILLE

  
Timothy J. Little  
Municipal Manager

  
Gregory Eroshenko  
Mayor

ENTERED INTO LEGAL BOOK ON: November 19, 2011

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## **LAND DISTURBANCE ORDINANCE**

### **ARTICLE I - GENERAL PROVISIONS**

#### **001-1. LEGISLATIVE INTENT**

- A. From and after the passage and approval of this chapter, the following regulations shall be in full force and effect. The provisions of this chapter shall be held to be the minimum requirements for the protection of the health, safety and welfare of the people at large and to be designed to encourage the establishment and maintenance of reasonable community standards of physical environment.

#### **001-2. TITLE**

- A. This chapter shall be cited as the "Municipality of Monroeville Land Disturbance Ordinance."

#### **001-3. PURPOSE**

- A. The purpose of this chapter is to provide minimum standards to safeguard persons and property and to protect and to promote the public welfare by preventing excess erosion, hazardous rock and soil slippage, sedimentation and other soil and water management problems and by regulating and controlling the design, construction, quality of materials, use, location and maintenance of grading projects, including excavation, cut and fill.

#### **001-4. COMPLIANCE**

- A. No person shall conduct, enlarge, alter or repair any grading project, including excavation, cut or fill, except in full compliance with all the provisions of this chapter and after the lawful issuance of all permits required by this chapter.

#### **001-5. LIABILITY**

- A. Neither the issuance of a permit under the provisions of this chapter nor compliance with its provisions nor conformance with conditions required by any such permit shall relieve any person from liability for damage resulting from a grading project or attach any liability upon the Municipality for damages to persons or property.

#### **001-6. SEVERABILITY AND UNENFORCEABILITY**

- A. Should any section or provision of this Ordinance be declared invalid or unenforceable by a court of competent jurisdiction, such determination shall not affect the validity or the ability to enforce the remaining provisions.

**ARTICLE II - PERMIT AND SITE PLAN REVIEW PROCEDURES AND  
REQUIREMENTS**

**002-1. LAND DISTURBANCE PERMIT REQUIRED**

- A. A land disturbance permit must be obtained from the Municipality for any grading projects, including excavations, cuts and fills. Changes, additions or alterations to existing excavations or fills shall conform to the provisions of these regulations. A separate land disturbance permit shall be required for each site.
- B. A land disturbance permit shall be required for any grading operation within the Municipality of Monroeville involving volumes of earth movement that are less than 10,000 cubic yards.
- C. Volumes of earth movement in excess of 10,000 cubic yards are major excavations and require Conditional Use approval from the Council of the Municipality of Monroeville as provided for in the current Municipality of Monroeville Zoning Ordinance.
- D. Only one permit is required for a contiguous parcel to be graded for an approved planned development, such as planned residential development, planned group unit, subdivision or land development.
- E. When grading is to be performed for and executed concurrently with the preparation of the land for an approved site plan, a Land Disturbance permit will be required.

**002-2. LAND DISTURBANCE PERMIT EXCEPTIONS**

- A. A land disturbance permit may not be required for any of the following situations, assuming that the grading standards of this Ordinance are not violated:
  - 1. Grading limited to reasonable, regular, normal maintenance and landscaping improvements by individual homeowners, where grading standards of this Ordinance are not violated.
  - 2. Stockpiling of rock, sand and aggregate in an area properly zoned for such use.
  - 3. Temporary excavation below finished grade for basements, additions to existing structures, swimming pools or accessory structures for which a building permit has been issued, unless the Municipality determines that the possibility of erosion and sedimentation exists.
  - 4. Normal Agricultural operations, including but not limited to planting, tilling, and seeding.
  - 5. Cemetery graves.

6. Exploratory excavations under the direction of Professional Engineers or Geologists for the purposes of preparing soils and geotechnical reports, provided that professional standards (including compaction and re-seeding where appropriate) are met.
7. Emergency Grading: Grading for the purposes of restoring land to a safe condition following a flood or natural disaster or grading to eliminate a potential hazard created by same and that does not create a hazard to adjacent land. In such cases, the Municipality must be notified within forty-eight (48) hours.
8. Water wells.

**002-3. LAND DISTURBANCE PLAN**

- A. All applications requiring a permit shall submit a Land Disturbance Plan for review. The Land Disturbance Plan shall be in conformance with the regulations and standards in this Ordinance.
- B. The Municipality may, at its sole option, hire its own Geotechnical Engineer at the applicant's expense to review the engineering design, grading and construction plans and specifications to determine their compliance with the requirements of this Ordinance. The Municipality shall determine the amount of the escrow account to be established for purposes of compensating its Geotechnical Engineer.

**002-4. GEOTECHNICAL ENGINEERING REQUIREMENTS**

- A. The Land Disturbance Plan must be prepared by a qualified, registered Professional Geotechnical Engineer when the project involves site conditions including, but not limited to, the following:
  1. Landslide-prone areas.
  2. Work involving slopes exceeding a ratio of 3H: 1V (three horizontal to 1 vertical).
  3. Excavation or fill volumes exceeding 10,000 cubic yards of material.
  4. Subsidence-prone areas.

**002-5. APPLICATION PROCEDURE FOR LAND DISTURBANCE PLANS**

- A. The application for approval of a proposed Land Disturbance Plan shall be submitted to and be accompanied by a fee established by the Municipality of Monroeville.
- B. The review fee shall cover the Municipality's cost of reviewing application documents. Any additional charges incurred by the Municipality to review the application for a land disturbance permit shall be incurred by the applicant. Any application fees not expended by the Municipality shall be returned to the applicant within a reasonable period of time.

**002-6. FORMS AND APPLICATIONS**

- A. Written application shall be made on a form provided by the Municipality and shall include the following:
1. Description of the land on which the proposed work is to be done, by lot, block, tract, or street address, or similar description that will readily identify and definitely locate the proposed work;
  2. The name and address of the applicant.
  3. The name and address of the land owner.
  4. The written permission and approval of the owner of the property, if the Applicant is an agent of the landowner, by affidavit.
  5. Estimated quantity of excavation and fill.
  6. Area of disturbance.
  7. Area of job site.
  8. Plans and specifications prepared by and signed by a qualified Registered Professional Engineer which include the following information:
    - a. Existing and proposed contours shown at two-foot intervals, except where slopes exceed 35%, where they can be shown at five-foot intervals. Show existing contours with dashed lines and label clearly. State location and elevation of datum to which contour elevations refer. Datum shall be a known, established benchmark. Contours plotted from USGS quadrangle maps shall not be acceptable.
    - b. A plan showing cross sections of the cut on fifty-foot intervals which show the methods of benching both cut and/or fill. Under no circumstances shall there be less than two cross sections for each property involved under said permit.
    - c. A plot plan showing the location of the grading, boundaries, lot lines, neighboring streets and rights-of-way, existing and proposed building(s), existing water and sanitary sewer lines, storm drainage, existing utility lines, existing trees 10 inches and over DBH and other data to show the location of the work.
    - d. A plan showing the profile and cross-section of proposed retaining walls.
    - e. Description and classification of the soils from the Allegheny County Soil Survey, or from other methods approved by the Municipal Engineer.
    - f. Seeding locations and schedules.

- g.** Location of stormwater management and erosion control facilities.
- h.** Details and locations of watercourses, tributaries, wetlands, or floodplains (either named or unnamed).
- i.** Nature of fill material.
- j.** Any such other information as requested by the Municipality to carry out the purpose of this Ordinance.
- k.** All plans shall be dated and shall bear the name, signature and seal of the registered Professional Engineer who prepared the same, the name and signature of the applicant, and the name and signature of the land owner.
- l.** All plan submissions shall include evidence of applications for all permits required by local, County, State, or Federal agencies. The Land Disturbance permit will not be issued until evidence of receipt of all such permits is provided to the Municipality.
- m.** A summary of the quantities of material to be excavated and/or filled and the amount of material to be imported to, or exported from, the site must be provided on the project plans.
- n.** The location and nature of known or suspected soil/geologic hazard areas must be shown on the project plans.
- o.** Specifications, cross-sections, profiles, elevations, dimensions and construction details must be prepared based on accurate field data.
- p.** The proposal shall contain reasonable provisions for the preservation of natural land and water features, vegetation, drainage and other indigenous natural features of the site.
- q.** Applications for land disturbance permits shall be accompanied by supporting data consisting of a soils engineering report and geologic reports, unless waived by the Municipality because information is available showing such data is not needed. The soil engineering report shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures, design criteria for corrective measures when necessary, and opinions and recommendations covering adequacy of sites to be developed by the proposed grading.
- r.** The geologic report shall include an adequate description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinions and recommendations covering the adequacy of sites to be developed by the proposed grading. Recommendations included in the report shall be incorporated in the grading plans and specifications.



9. State the estimated dates of starting and completion of the grading work.
10. The Municipality may waive the requirement of any or all plans and specifications listed in the previous subsections if the information on the application is sufficient to show that the work will conform to the provisions of this Ordinance.

**002-7. SUBMISSION OF PLANS**

- A. The application shall consist of three (3) copies of the written application, drawings, specifications and reports. Additional copies may be required if requested by the Municipality.
- B. The Municipality may waive the requirement for preparation of plans by a Professional Engineer where it is evident that the proposed work is simple, clearly shown on the drawings and poses no potential nuisance or hazard to adjacent property.

**002-8. ISSUANCE OF PERMIT**

- A. A Land Disturbance Permit will be issued by the Municipality upon satisfaction of the following conditions:
  1. Payment of fees as established by the Municipality.
  2. Bonds and certificate of insurance approved by the Municipality.
  3. Compliance with the provisions of this Ordinance and approval by the Municipality.
  4. In the interest of public health, welfare and safety, additional items may be made a condition of the work permitted. These conditions may include but shall not be limited to:
    - a. A reasonable time limit for completion of the work.
    - b. Limitations upon the hours of the day and/or days of the week for performance of the work covered by the permit and/or travel on public streets.
    - c. Construction of additional drainage facilities, berms, terracing or cribbing.
    - d. Tests of all soil or other material used or involved in the operation, the results of which shall be made available as soon as possible to the Municipality.
    - e. Restrictions upon the size, type and number of pieces of equipment to be used, including trucks traveling on public roadways.
    - f. Planting of appropriate ground cover on slopes to provide retention of soil and control erosion.
    - g. On-site supervision of the work by a Professional Engineer or representative.

- h. Immediate removal of debris deposited on public streets or thoroughfares or adjacent property as a result of work.
- i. Fencing of excavations or fills which would otherwise be hazardous to persons.
- j. Haul routes for materials.
- k. No earth or organic material shall be deposited or placed where it may be deposited into a stream, marsh, slough, or body of standing water in a quantity deleterious to wildlife, aquatic life, or other beneficial users of the water, nor shall earth or organic material be deposited where it may flow onto neighboring property.
- l. Dust from grading operations shall be controlled.
- m. Compliance with applicable health and safety measures, including but not limited to adequate warning signs, traffic controls, sanitary measures, environmental measures and other applicable measures.

**002-9. EXPIRATION OF PERMIT**

- A. The Land Disturbance Permit shall become null and void if the work authorized has not commenced within one year or is not completed within two years from the date of issue. The Municipality may issue a renewal permit for an additional one-year-period.

**002-10. APPEALS**

- A. The applicant may appeal a denial on a permit application within thirty (30) days of the date of that decision.
- B. Council may grant relief from the strict provisions of this Ordinance where, in its opinion, alternate methods, standards or materials proposed by the developer will meet the objectives and intent of this Ordinance. Any applicant or permit holder shall have the right to appeal decisions of Council to any court of competent jurisdiction.

**002-11. PERFORMANCE BONDS AND CERTIFICATES**

- A. Prior to the issuance of a permit for any land disturbance project, the applicant shall secure the necessary performance bonds and certificate of insurance as established and approved by the Municipality.
- B. If work proposed in an application requires the use or occupancy of Municipal roads for access by heavy construction equipment or for hauling of spoil or borrow material, a separate bond shall be required to guarantee the repair and or replacement of pavements, curbs and sidewalks damaged during land disturbance activity.

**002-12. INSPECTION**

- A.** The applicant shall notify the Municipality of the schedule of a land disturbance operation. Notice shall be given to the Municipal Engineer at least two working days before start or completion of a land disturbance operation.
- B.** Land disturbance work will be subject to inspections at the discretion of the Municipal Engineer to determine that the work is being performed in compliance with the approved permit and these regulations.
- C.** Should the Municipal Engineer require, a report prepared by a Professional Geotechnical Engineer must be submitted certifying that cuts and fills have been performed in accordance with the approved plans and specifications.
- D.** The Municipality may require on-site inspection by a qualified Geotechnical Engineer to monitor the land disturbance operation. The Geotechnical Engineer will be retained by the Municipality. The cost for the Geotechnical Engineer shall be incurred by the applicant.
- E.** At the conclusion of the land disturbance activity, the Permittee shall certify, in writing, that all work has been completed in conformance with the approved plans, specifications, reports, and Permit conditions. This certification shall be submitted to the Municipality.

**002-13. MAINTENANCE**

- A.** The owner of any property on which a permitted land disturbance has occurred shall maintain the project in good condition, including all retaining walls, cribbing, drainage structures, fences, ground cover or other protective devices as may be a part of the permit requirements. These efforts shall be required both during and after the land disturbance activities.
- B. Maintenance During Construction**

  - 1.** All drainage courses, ditches, culverts, pipes and structures shall be adequately maintained by the property owner and shall be kept open and free flowing at all times.
  - 2.** All graded surfaces, anti-erosion devices, retaining walls, and similar protective devices, plantings and ground covers installed pursuant to a land disturbance permit shall be continuously maintained and kept in good repair by the owner.
  - 3.** Adequate engineering provisions shall be incorporated to prevent the infiltration of sediment into existing streams.
  - 4.** Where the Municipal Engineer finds evidence of deterioration or erosion of any excavation or fill which threatens to damage nearby properties, he shall direct the

property owner to effect remedies which will restore the grading to a safe condition within a reasonable period of time.

5. All graded surfaces that are or have been dormant for 15 days or more shall be matted, seeded, or sodded, and watered, tended and maintained until growth is well established.
6. The site shall be maintained in accordance with the Allegheny County Conservation District's Erosion and Sedimentation Control regulations and standards.
7. Any dust created from work at the site shall be controlled.
8. Only clean fill shall be used for grading. Rubbish, garbage, trees, brush and any other deleterious materials shall be prohibited to use as fill.
9. The final grade of the site shall be blended with the grade of the abutting properties.

**002-14. HAZARDOUS CONDITIONS, NUISANCE**

- A. If the Municipality determines and serves notice that any existing retaining wall, excavation, embankment or fill constitutes a hazard, the property owner, permit holder, or other responsible party shall, within the time specified in such notice, repair, reconstruct, or remove such retaining wall, excavation, embankment or fill so as to eliminate the hazard.
- B. If those so notified fail to correct the hazardous conditions within the specified time period, the Municipality may undertake the necessary work, and the costs thereof shall be collected from the property owner in any manner authorized by law, including an imposition of a lien against the property.

**002-15. DIFFERING SITE CONDITIONS**

- A. If, during the conduct of a permitted land disturbance activity, unexpected conditions are discovered on the site, including but not limited to surface water drainage, soil or rock formations, groundwater discharge or any other natural or man-made modification which would affect the basis upon which the permit was issued, such condition must immediately be reported to the Municipality. If deemed necessary, the Municipality shall revise the permit or request a revised application and land disturbance plan that adequately reflects the differing site conditions.

**002-16. WORKING CONDITIONS**

- A. The following conditions shall apply to all sites undergoing a permitted land disturbance activity.

1. During grading operations, acceptable measures for dust control shall be exercised, such as the use of calcium chloride or water.
2. All public utilities and municipal facilities shall be protected as required during grading operations. Construction equipment shall not be operated on public roads without the placement of protective mats. Rock construction entrances shall be provided to prevent tracking of dirt and mud onto the public roadways.
3. All soil washed or carried onto public streets during grading operations shall be removed as it accumulates. The property owner shall also be responsible to protect adjacent properties from silt and debris deposition resulting from of the grading activity.
4. No work covered by a land disturbance permit shall be conducted on a Sunday or legal holiday without written approval from the Municipality.
5. All work covered by a land disturbance permit shall be in compliance with the Municipality's current Noise Ordinance.

## ARTICLE III - LAND DISTURBANCE STANDARDS AND REGULATIONS

### 003-1. GRADING

- A. The following shall be minimum standards for issuance of a land disturbance permit:
1. The maximum slope of an excavation shall be 1-1/2 horizontal to one vertical (1.5:1). The maximum slope for fill shall be two horizontal to one vertical (2:1); provided, however, that the maximum cut may be increased to one horizontal to one vertical (1:1) where a Professional Geotechnical Engineer certifies that the cut shall be into sedimentary rock or other material which is sufficiently durable to remain stable and maintain the cut without slippage. The only exception to this standard shall be where a retaining wall, designed and sealed by a Professional Engineer, is constructed to support the face of the slope.
  2. No grading, excavation or fill shall be performed in proximity to any property line as to endanger or damage any adjoining street, public or private property without protecting such property from settling, cracking, erosion, sedimentation, flooding or any other physical damage or personal injury which might result.
  3. Excavation adjacent to building foundation walls, footings or structures shall not extend beyond the angle of repose or natural slope of the soil under the nearest point of the same unless the footings, foundations or structures have been sufficiently underpinned or otherwise protected against settlement.
  4. Adequate provisions shall be incorporated to prevent erosion due to storm drainage. Existing storm drainage shall not be diverted so as to alter the location of watercourses on any adjacent property. All storm drainage facilities must be in conformance with the current Municipal Stormwater Management Ordinance and reviewed and approved by the Municipality.
  5. No debris or other material shall be placed or be allowed to accumulate in any drainage ditch or structure in such a manner as to obstruct the free flow of surface water.
  6. Trees shall not be removed unnecessarily.
  7. Provisions shall be made for dust control as are deemed necessary and approved by the Municipality.
  8. All fill shall be compacted to provide stability of fill materials and to prevent settlement or slippage. Any fill material to be used shall be tested by the owner to ensure that its dry density shall be not less than 92% of maximum density as determined by ASTM D1556 or other appropriate standard based upon the type of material involved and with approval of the Municipality.

9. Immediately upon completion of grading, all areas not designated for building or paving shall be mulched and planted in accordance with the approved Erosion and Sedimentation Control Plan for the site and/or current PADEP regulations.
10. Plans and specifications shall provide for both temporary and permanent erosion and sediment control.
11. When needed for slope stabilization, benching shall be required in accordance with the latest edition of the "Erosion and Sediment Control Best Management Practice Manual, Technical Guidance Number 363-2134-008", PADEP.
12. Topsoil stripped from the site in preparation for earthmoving activities shall be stockpiled and replaced on the site over all re-graded, non-developed areas, at a minimum depth of four inches.
13. Fill areas shall be prepared by removing organic material, other material not defined as Clean Fill, and any other material determined by the Municipality that would prevent proper compaction and stability.
14. In addition to the above, all fill and cut operations shall follow the "Erosion and Sediment Control Best Management Practice Manual, Technical Guidance Number 363-2134-008", PADEP. A soil and erosion and sedimentation plan shall be prepared in accordance with the provisions of Title 25, Environmental Resources, Chapter 102, Erosion Control, and be approved by the Allegheny County Conservation District (ACCD) prior to the commencement of any grading or other regulated earth disturbance activity, unless the ACCD determines that a soil and erosion control plan is not required.
15. Grading activity near a stream, creek, river, wetland or other body of water shall be in accordance with PADEP and the current Municipal Zoning Ordinance regulations.
16. Grading must not create or contribute to landslides, accelerated soil creep, settlement and subsidence or hazards associated with strong ground motion and soil liquefaction.
17. Grading must not create or contribute to flooding, erosion, or increased turbidity, siltation or other form of pollution in a watercourse.

**003-2.       RETAINING WALLS**

- A. Retaining walls shall be designed and constructed in accordance with sound engineering practice and the current edition of the Pennsylvania Uniform Construction Code (PAUCC). The design of any proposed retaining wall shall be included in the application for a land disturbance permit.

- B. A Professional Engineer, registered in the Commonwealth of Pennsylvania, shall design all retaining walls greater than four (4) feet in height, and the plans submitted for approval shall bear the seal and signature.
- C. Where a retaining wall is to be constructed, the vertical face of the wall shall be at least 5 feet from any adjoining property.

**003-3.           STREAM CROSSINGS**

- A. Equipment shall not cross live streams. Provisions shall be made for the installation of culverts or bridges for such crossings. The applicant shall be responsible for obtaining any permits required by the Pennsylvania Department of Environmental Protection for temporary and permanent encroachments, relocations, enclosures, and temporary stream crossings. A copy of the permit(s) must be submitted to the Municipality.

**003-4.           FLOODPLAIN MANAGEMENT**

- A. All land disturbance work within designated or known floodplains shall conform to the requirements and standards of Title 25 of the Commonwealth of PA Code, Chapter 105 Environmental Resources, Dam Safety and Waterways Management and Title 25 of the Commonwealth of PA Code, Chapter 106, Flood Plain Management and the current Municipal Zoning Ordinance.



## ARTICLE IV – DEFINITIONS

### 004-1. DEFINITIONS

A. **GENERAL TERMS.** Unless otherwise expressly stated, the following terms shall have the meaning indicated below.

1. Words and phrases used in the singular include the plural, and words and phrases used in the plural include the singular.
2. Gender specific pronouns or references shall refer to all genders.
3. The word "person" indicates any person or any corporation, unincorporated association, partnership, estate, or other legal entity.
4. The word "lot" includes the word "plot" or "parcel".
5. The word "structure" includes "building" and the use of either word shall be construed as if followed by the phrase "or a part thereof."
6. The word "may" is permissive; the words "shall" and "will" are mandatory.
7. Periods of time stated as a number of days refer to consecutive calendar days, unless specified as "working days."
8. Words in the present tense include the future tense.

B. **SPECIFIC TERMS.** Other terms or words used in this ordinance are defined as follows:

1. **Bedrock.** The natural rock layer, hard or soft, in place at ground surface or beneath unconsolidated surface deposits.
2. **Building Permit.** An official document or certificate issued by the Building Official which authorizes performance of a specified building activity.
3. **Clean Fill.** Uncontaminated, water-insoluble, non-decomposable, inert solid material. This term includes clay, earth, rock, sand, and other unaltered nontoxic geological materials which have not been used in any type of industrial process, paving brick and stone, asphalt and other paving material, including reinforced and non-reinforced concrete pavement; inert building materials such as concrete, brick, clay tile which may accumulate as a result of construction or demolition operations.
4. **Council.** The governing body of the Municipality of Monroeville.

5. **DBH.** The diameter of a tree trunk at breast height, measured at 4.5 feet above natural grade.
6. **Development.** Includes any lawful land use authorized under the Zoning Ordinance of the Municipality of Monroeville.
7. **Engineer.** A professional engineer licensed by the Commonwealth of Pennsylvania. See "Registered Professional."
8. **Engineering Geologist.** A person who holds a degree in geology from an accredited college or university and who has training and experience in the field of engineering geology.
9. **Erosion.** The detachment and movement of soil or rock fragments, or the wearing away of the surface of the land by wind, water, ice or gravity.
10. **Excavation.** Any act by which earth, sand, gravel, rock, or any other material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed, and shall include the conditions resulting there from.
11. **Fill.** Earth, sand, gravel, rock or other material used in the filling process, whether originally in place on the site or not.
12. **Filling.** Any act by which fill is deposited, placed, pushed, dumped, pulled, transported or moved to a new location.
13. **Geotechnical Engineer.** A Professional Engineer licensed by the Commonwealth of Pennsylvania, with training and experience in geology, civil engineering, soil mechanics, the physical properties of soil and behavior of soil masses subject to various types of forces and conditions.
14. **Grade, Finished.** The average elevation of the finished ground surface at the location of any proposed excavation, embankment, or fill.
15. **Grade, Original.** The average elevation of the existing ground surface at the location of any proposed excavation, embankment, or fill.
16. **Grading.** An excavation or fill or any combination thereof, including the conditions resulting from any excavation or fill.
17. **Hazard.** A danger or potential danger to life, limb, or health or an adverse effect or potential adverse effect to the safety, use or stability of property, waterways, public ways, structures, utilities and storm sewers, including stream pollution.
18. **Inspection Agent.** An engineer or an individual with at least five (5) years experience in a specific type of inspection work and under the direct supervision of an engineer to be used by the Municipality in unusually difficult situations where the inspection is beyond the capabilities of the Municipality.

19. **Land Disturbance.** An ongoing or completed operation and related activities involving or primarily connected with reshaping of land, including grading, removal of trees, vegetation or ground cover, transporting fill or other material for disposal purposes and resurfacing of land.
20. **Land Disturbance Permit.** The permit required by these regulations.
21. **Landslide Prone Area.** Any geologic formation that is especially susceptible to landslides due to the presence of one or more conditions such as unstable rock formations, soils types, groundwater seepage or saturated soils, including, without limitation, areas containing soils identified as landslide prone in the Soil Survey of Allegheny County or other applicable maps or surveys.
22. **Locate.** Construct, place, insert, or excavate.
23. **Material.** Includes soil, sand, gravel, clay, peat, mud, debris and refuse or any other material, organic or inorganic.
24. **Municipal Engineer.** A professional engineer or engineering firm, licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for the Municipality.
25. **Municipality.** Municipality of Monroeville, a Home Rule charter Municipality, Allegheny County, Pennsylvania.
26. **Operations.** Includes the locating, moving, or disposition of any material or any construction use or activity, or a combination thereof, which in any way modifies the conditions on lands subject to this Ordinance.
27. **Person.** Includes any individual, firm, partnership, association, corporation, company, organization, or legal entity of any kind, including governmental agencies conducting operations within the Municipality.
28. **Public Hearing.** A formal meeting held pursuant to public notice, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.
29. **Public Meeting.** A forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act".
30. **Public Notice.** A notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be more than seven (7) days from the date of the hearing.

31. **Registered Professional.** An individual, licensed in the Commonwealth of Pennsylvania to perform services or activities required by provisions of this ordinance and qualified by training and experience to perform the specific services and/or activities with technical competence.
32. **Retaining Wall.** A structure constructed for the purpose of supporting a cut or filled embankment which would otherwise not comply with the standards set forth in this Ordinance.
33. **Sediment.** Fragmented material that originated from weathering rocks and decomposing organic material that is transported by, suspended in, and eventually deposited in the streambed.
34. **Sedimentation.** Occurs when sediment particles that have been suspended within flowing water are deposited on the stream bottom or floodplain.
35. **Site.** A lot, tract, parcel of land or a series of lots, tracts or parcels of land which are adjoining where grading work is continuous and performed at the same time.
36. **Soil Engineer.** A Professional Engineer, licensed by the Commonwealth of Pennsylvania, and who has training and experience in soils engineering.
37. **Solid Waste.** All parts or combinations of and including, but not limited to, ashes, garbage, refuse, radioactive material, combustible demolition materials and industrial wastes such as food-processing wastes, wood, plastic, and metal scrap.
38. **Structure.** Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land, including, in addition to buildings, billboards, carports, porches, and other building features, but not including sidewalks and driveways.
39. **Watercourse.** A channel or conveyance of surface water having defined bed and banks, whether natural or artificial, with perennial or intermittent flow.