

Chapter 71

ANIMALS

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[HISTORY: Adopted by the Borough Council of the Borough of Camp Hill 9-1-1982 by Ord. No. 856, approved 9-1-1982. Amendments noted where applicable.]

GENERAL REFERENCES

Animals in parks — See Ch. 145.

§ 71-1. Purpose; greater restrictions to control.

- A. This chapter is enacted to regulate the maintenance, keeping or possession of animals within the Borough of Camp Hill in order to promote the health, safety and general welfare of its inhabitants.
- B. Where the provisions of this chapter impose greater restrictions than those of any other statute, ordinance, regulation or resolution, the provisions of this chapter shall be controlling. Where the provisions of any other statute, ordinance, regulation or resolution impose greater restrictions than this chapter, the provisions of such other statute, ordinance, regulation or resolution shall be controlling.

§ 71-2. Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter:

ANIMAL — Construed in a broad sense to include not only animals so-called, but also birds, fish, reptiles and insects.

ANIMAL SHELTER — The premises, any portion of which is utilized for the temporary or permanent harboring of lost, strayed, ill or injured animals, not exceeding 20 animals.

MANAGERIE — A collection of animals not listed in § 71-3 kept in cages or enclosures for exhibition by a full-time professional trainer.

OFFICER — Police officer or duly appointed Animal Control Officer on his/her designee.

PERSON — Any individual, partnership, association, corporation, estate or trust, as well as all officers, agents, servants, employees or others acting for any of the same, and shall be taken as applying in the singular or plural as the case may require.

PET SHOP — A retail shop primarily in the business of selling animals and maintaining, keeping or possessing any animal for which a permit may be issued by the officer under § 71-5 hereof at any time during the calendar year or any part thereof.

ZOOLOGICAL GARDEN — A collection of animals not listed in § 71-3 maintained in a park or garden by an educational, nonprofit or governmental corporation under the supervision of at least one professional zoologist.

§ 71-3. Kinds of animals permitted.

Any person is permitted to maintain, keep or possess within the Borough of Camp Hill, subject to the numerical limitations of § 71-13, any of the following animals, which classification shall be strictly construed:

Cage birds (The term includes parakeets, parrots, canaries, finches, love birds, myna birds and other birds ordinarily kept in cages in households; it excludes wild birds captured or rescued and kept in cages.)

Cats (*Felis catus*)

Cows (*Bos tarus*), beef and dairy, subject to § 71-10A and C

Dogs (*Canis familiaris*), except dingoes

Frogs (*Salientia*)

Gerbils

Goats (*Capra hircus*), subject to § 71-10A and C

Goldfish and carp (*Cyprinidae*)

Guinea pigs (*Cavia cutleri*)

Hamsters (*Cricetus* and *Mesocricetus*)

Horses and ponies (*Equus caballus*), subject to § 71-10A and C

Lizards (*Sauri*), except those listed under animals prohibited in the Borough

Mice, white (*Mus musculus*)

Poultry (ducks, chickens, swans, geese, turkeys, guinea fowl, pheasants, pea fowl and pigeons), subject to § 71-10B and C

Rabbits, restricted to European-type rabbits (*Oryctolagus cuniculus*), commonly kept as pets

Rats, white (*Rattus norvegicus*)

Salamanders (any tailed amphibian)

Sheep (*Ovis aries*), subject to § 71-10A and C

Snakes, nonpoisonous and native to the Borough of Camp Hill

Toads (Salientia)

Tropical fish, limited to those customarily maintained in a household aquarium, except piranhas

Turtles (Chelonia)

§ 71-4. Prohibited animals.

No person is permitted to maintain, keep or possess within the Borough of Camp Hill any of the following animals, which classifications shall be broadly construed:

All poisonous animals, including rear-fanged snakes

Apes: chimpanzees (Pan), gibbons (Hylobates), gorillas (Gorilla), orangutans (Pongo) and siamangs (Symphalangus)

Baboons (Papio, mandrillus)

Barracuda

Bears (Ursidae)

Bison (Bison bison)

Cheetahs (Acinonyx jubatus)

Coatimundis (Nasua)

Coyotes (Canis latrans)

Crocodylians (Crocodylia)

Deer (Cervidae), includes all members of the deer family, for example, white-tailed deer, elk, antelopes and moose

Elephants (Elephas and Loxodonta)

Foxes (Vulpes and Urocyon)

Game cocks, i.e., fighting birds

Hippopotamuses (Hippopotamidae)

Hyenas (Hyaenidae)

Jaguars (Panthera onca)

Jaguarundis (Herpailurus)

Kinkajous (Potos)

Leopards (Panthera pardus)

Lions (Panthera leo)

Lynxes (Lynx)

Margays (Felis tigrina)

Monkeys, old-world (Cercopithecidae)

Ocelots (Felis pardalis)

Ostriches (Struthio)

Otters (Lutrinae)

Piranha fish (Characidae)

Pumas (Felis concolor), also known as "cougars," "mountain lions" and "panthers"

Raccoons (Procyon)
 Rhinoceroses (Rhinocerotidae)
 Sharks (class Chondrichthyes)
 Skunks (Mephitinae)
 Snakes not permitted under § 71-3
 Snow leopards (Panthera uncia)
 Swine (Suidae)
 Tigers (Panthera tigris)
 Wolves (Canis lupus)

All other animals not specifically enumerated in § 71-3 or 71-5.

§ 71-5. Animals allowed by permit.

No person other than a registered veterinarian in the course of his/her professional duties is permitted to maintain, keep or possess within the Borough of Camp Hill any animal not specifically mentioned in § 71-3 hereof, unless application for a permit shall have been made by such person to the Officer and a permit shall have been issued therefor. Among such animals for which a permit may be issued by the Officer are the following:

Eagles (Aquila and Haliaeetus), subject to state and federal law

Falcons (Falconidae), subject to state and federal law

Iguanas (Iguanidae)

Monkeys: white-throated capuchins and other Cebus monkeys; night monkeys or douroucoulis (Aotes); marmosets (Callimico), callithris and leontocebus; squirrel monkeys (Saimiri) and woolly monkeys (Logothrix)

Snakes: A permit may be issued to a pet shop as defined in this chapter to sell nonpoisonous (nonvenomous) snakes, whether or not indigenous to the Camp Hill area, which are no longer than three feet in length and/or to house for display only said snakes irrespective of length. [Added 5-30-1995 by Ord. No. 943, approved 5-30-1995]

§ 71-6. Application for permit.

- A. The application for a permit for animals in § 71-5 and for the keeping of more than four animals from the permitted list shall have attached thereto a registered veterinarian's health certificate for each animal to be covered by the permit, shall be verified by an affidavit and shall set forth the following:
- (1) The type and number of animals to be covered by the permit.
 - (2) The purpose of keeping such animals.
 - (3) The period for which the permit is requested.
 - (4) A description of the quarters in which the animals will be kept, including plans and specifications thereof, where appropriate, and the facilities for sanitation and disposal of animal wastes.

- (5) The circumstances, if any, under which the animals will be removed from their quarters.
 - (6) Biographical information about the applicant and any other person to be placed in charge of the animals, with particular emphasis on the knowledge of such persons about the animals in question and the experience of such persons in handling the animals in question.
 - (7) Such additional information as the Officer may require.
- B. In addition to such verified information, the Animal Control Officer shall consider all other relevant conditions, including but not limited to:
- (1) The odor emanating or likely to emanate from the premises to persons off the premises.
 - (2) The noise emanating or likely to emanate from the premises to persons off the premises.
 - (3) The attitudes of the applicant's neighbors to the proposed license.
 - (4) The security with which the pets or creatures will be restrained.

§ 71-7. Animal Control Officer; powers and duties; issuance of permit.

- A. The Borough Council of Camp Hill shall appoint an Animal Control Officer. In addition, the Borough Manager may from time to time designate a Temporary Animal Control Officer.
- B. The Officer shall have the power to review or cause to be reviewed each application for a permit and may either approve or reject such application or require modification of the application. When the Officer has approved the application, he/she shall issue the permit. The permit shall be personal and not transferable and shall be issued for a calendar year or part thereof. The Borough Manager and the Officer shall also have the power to revoke the permit for cause.
- C. The Officer shall also have the power, with the consent of the Borough Council, to make such rules and regulations as he/she shall deem necessary to carry out the purposes of this chapter. He/she shall be responsible to determine whether any person is violating any provisions of this chapter or the rules and regulations adopted hereunder. In making such determinations, the Officer shall consider the following standards:
- (1) All animals and animal quarters shall be kept in a clean and sanitary condition. Adequate ventilation shall be maintained.
 - (2) The permittee shall use every reasonable precaution to assure that the animals are not teased, abused, mistreated, annoyed, tormented or in any manner made to suffer by any means.

- (3) Animals which are enemies by nature or are temperamentally unsuited shall not be quartered together or so near each other as to cause the animals fear or to be abused, tormented or annoyed.
 - (4) The permittee shall maintain the premises so as to eliminate offensive odors or excessive noise.
 - (5) The permittee shall not permit any condition causing disturbance of the peace and quiet of his/her neighbors.
 - (6) Animals must be maintained in quarters so constructed as to prevent their escape. The permittee assumes full responsibility for recapturing any animal that escapes from his/her premises. The permittee shall make adequate provisions and safeguards to protect the public from the animals.
 - (7) Every person shall conform to all present and future laws of the Commonwealth of Pennsylvania and the United States of America, the ordinances of the Borough of Camp Hill and the rules and regulations that may accompany this chapter in any way connected with animals, specifically including anticruelty laws.
 - (8) Any and all animals must be kept healthy and free from sickness and disease at all times. Should the Animal Control Officer question the health of any animals, he/she shall have the authority to require an examination by a doctor of veterinary medicine, such examination to be at the expense of the owner.
 - (9) The permittee shall be responsible and liable for the actions of all persons employed by or otherwise associated with him/her as such actions relate to permittee's obligation to comply with this chapter.
 - (10) Every owner and occupant of a structure or property shall be responsible for the extermination of insects, rodents, vermin or other pests in all areas of the premises.
- D. The Animal Control Officer and police officers of the Borough of Camp Hill are authorized hereby to enter upon any premises within the Borough for the purpose of investigating a possible violation of this chapter.

§ 71-8. Fees.

The applicant for any permit hereunder shall, at the time of his/her application, pay to the Borough of Camp Hill the following fees:

- A. Pet shop or zoological garden: \$25 for each calendar year or part thereof. There shall be no charge for a traveling educational exhibit maintained by an established humane society or zoological garden.
- B. Menagerie: \$50, plus an additional \$10 per day for the duration of the permit.
- C. Animal shelters and all other applicants: \$25 for the first calendar year or part thereof, renewable thereafter for a like fee of \$25 each calendar year or part thereof.

§ 71-9. Zoological gardens and menageries.

The Borough Council may approve a permit for a permanent zoological garden or a menagerie, limiting the latter to no more than one month in any one calendar year, which includes animals otherwise prohibited under § 71-4 hereof, provided that:

- A. The Council is satisfied that the applicant and all other persons placed in charge of such animals are experts in their knowledge of care and handling of such animals.
- B. The highest standards are applied in safeguarding the public, and no human being lives or resides within 100 feet of the quarters in which the animals will be kept.
- C. The applicant provides the Council with a certificate of public liability insurance in a form and amount satisfactory to the Council issued by a carrier satisfactory to the Council.

§ 71-10. Restrictions on farm animals.

- A. The keeping or maintaining of any farm animal, with the exception of poultry, as indicated in § 71-3, shall be permitted only on land of sufficient area so that there shall be 60,000 square feet for the first animal, with an additional 20,000 square feet required for each additional animal. There shall also be provided a pen or enclosure of at least 1,600 square feet for the first animal, with 400 square feet of pen or enclosure required for each additional animal. Within the pen there must be provided a stable or similar roofed enclosure having an area of at least 100 square feet for each animal to be held therein. Any such pen or enclosure shall be situated not less than 100 feet from any street or other property line.
- B. The keeping or maintaining of poultry as defined in § 71-3 shall be permitted only on a lot with a land area equivalent to 40,000 square feet or more. In no event shall more than 10 poultry birds be permitted on each 40,000 square feet of area. The pen, shelter or enclosure shall be set no closer than 75 feet to the front lot line nor closer than 75 feet to any side or rear line.
- C. The owner or person(s) responsible for the care and keeping of such animals shall be responsible to prevent or eliminate all odors, animal waste and insect infestation caused by the maintenance of such animals.

§ 71-11. Disturbance of the peace. [Amended 4-10-1996 by Ord. No. 950, approved 4-10-1996]

- A. It shall be illegal within the Borough of Camp Hill for any person or persons to own, possess, keep in custody, harbor or control any animal or bird which makes any noise continuously and/or incessantly for a period of 10 minutes or makes such noise intermittently for 1/2 hour or more to the disturbance, annoyance or discomfort of any person, any time of the day or night or whether or not the animal or bird is physically situated in or upon private property. Said noise is hereby declared to be a nuisance; provided, however, that at the time the animal or bird is making such noise no person is trespassing or threatening to trespass upon private property in or upon which the animal

or bird is situated, nor is there any other cause which justifiably provoked the animal or bird. Normal activity in neighboring yards is not such justifiable cause.

- B. The penalty for violations of this section is contained in the Borough of Camp Hill Code § 71-14, and those penalties shall control, except that a person shall have received one warning from the police before any citations or fines are issued.

§ 71-12. Nuisances.

- A. When not confined to the owner's premises, all animals must be under physical control of their owner or custodian and constrained at all times.
- B. No person owning, harboring, keeping or in charge of any animal shall cause, suffer or allow such animal to soil, defile, defecate on or commit any nuisance on any sidewalk, play area, park or any place where people congregate or walk or on any public property whatsoever or on any private property without the permission of the owner of said property. The restriction in this section shall not apply to that portion of the street lying between the curblines in any common thoroughfare, passageway or bypath, which shall be used to curb such animal under the following conditions:
- (1) The person who so curbs such animal shall immediately remove all feces deposited by such animal by any sanitary and reasonable manner.
 - (2) The feces removed from the aforementioned designated area shall be disposed of in a sanitary manner by the person owning, harboring, keeping or in charge of any animal curbed in accordance with the provisions hereof.

§ 71-13. Limitation on number of animals.

Except for species of fish, it shall be unlawful to keep more than four animals six months of age or older on any premises, regardless of the number of owners; provided, however, that this section shall not apply to any premises for which a kennel license has been obtained pursuant to the Dog Law of 1965 (3 P.S. § 460-208 et seq.)¹, as the same may from time to time be supplemented or amended.

§ 71-14. Violations and penalties.

Any person who violates any provisions of this chapter or any of the rules and regulations made pursuant hereto shall be liable for each offense, upon conviction before any District Justice, to a fine of not more than \$300, together with the costs of prosecution, or to imprisonment in the county jail for a period not exceeding 30 days, or both. Each day's failure to comply with any such provision shall constitute a separate violation. Prosecution may be instituted by the issuance of a summary citation by the Animal Control Officer in the name of the Borough of Camp Hill.

1. Editor's Note: 3 P.S. § 460-208 et seq. was repealed 12-7-1982 by P.L. 784, No. 225. See now 3 P.S. § 459-101 et seq.

§ 71-15. Additional enforcement remedies.

In addition, the Officer may institute in the name of the Borough of Camp Hill any appropriate action or proceeding, whether by legal process or otherwise, to restrain, correct or abate a continuing violation of any provision of this chapter or any rules and regulations made pursuant hereto.

