

LAWS: WILD ANIMAL PROPAGATION AND RELATED ACTIVITIES

REVISED CODE OF OHIO

1531.02 State ownership of wild animals.

The ownership of and the title to all wild animals in this state, not legally confined or held by private ownership legally acquired, is in the state, which holds such title in trust for the benefit of all the people. Individual possession shall be obtained only in accordance with the Revised Code or division of wildlife orders. No persons shall at any time of the year take in any manner or possess any number or quantity of wild animals, except such wild animals as the Revised Code or division orders permit to be taken, hunted, killed, or had in possession, and only at such time and place, and in such manner, as the Revised Code or division orders prescribe. No person shall buy, sell, or offer any part of wild animals for sale, or transport any part of wild animals, except as permitted by the Revised Code or division orders. No person shall possess or transport a wild animal which has been taken unlawfully outside the state.

1533.07 Protection afforded nongame birds.

No person shall catch, kill, injure, pursue, or have in his possession, either dead or alive, or purchase, expose for sale, transport, or ship to a point within or without the state, or receive or deliver for transportation any bird other than a game bird, or have in his possession any part of the plumage, skin, or body of any bird other than a game bird, except as permitted in Chapters 1531. and 1533. of the Revised Code, or disturb or destroy the eggs, nest, or young of such a bird.

This section does not prohibit the lawful taking, killing, pursuing, or possession of any game bird during the open season for such bird. Bald or golden eagles and ospreys shall not be killed or possessed at any time, except that eagles or ospreys may be possessed for educational purposes by governmental or municipal zoological parks, museums, and scientific or educational institutions. European starlings, English sparrows, and common pigeons, other than homing pigeons, may be killed at any time, except Sunday, and their nests or eggs may be destroyed at any time. Blackbirds may be killed at any time, except Sunday, when doing damage to grain or other property or when they become a nuisance.

1533.70 Definitions relating to propagation of game birds and wildlife.

As used in sections 1533.71 to 1533.80 of the Revised Code:

(A) "Wholly enclosed preserve" means an area of land that is surrounded by a fence that is at least six feet in height and is constructed of a woven wire mesh, or another enclosure that the division of wildlife may approve, where game birds, game quadrupeds, reptiles, amphibians, or fur-bearing animals are raised and may be sold under the authority of a commercial propagating license obtained under section 1533.71 of the Revised Code.

(B) "Commercial bird shooting preserve" means an area of land where game birds are released and hunted by shooting as authorized by a commercial bird shooting preserve license obtained under section 1533.72 of the Revised Code.

(C) "Wild animal hunting preserve" means an area of land where game and nonnative wildlife, other than game birds, are released and hunted as authorized by a wild animal hunting preserve license obtained under section 1533.721 of the Revised Code.

(D) All definitions set forth in section 1531.01 of the Revised Code apply to sections 1533.70 to 1533.80 of the Revised Code.

THE FOLLOWING IS A LIST OF WILD ANIMALS FOR WHICH A LICENSE IS REQUIRED AS DEFINED IN SECTION 1531.01.

(S) "Game birds" includes mourning doves, ringneck pheasants, bobwhite quail, ruffed grouse, sharp-tailed grouse, pinnated grouse, wild turkey, Hungarian partridge, Chukar partridge, woodcocks, black-breasted plover, golden plover, Wilson's snipe or jacksnipe, greater and lesser yellowlegs, rail, coots, gallinules, duck, geese, brant, and crows.

(V) "Game quadrupeds" includes cottontail rabbits, gray squirrels, black squirrels, fox squirrels, red squirrels, flying squirrels, chipmunks, groundhogs or woodchucks, white-tailed deer, wild boar, and black bears.

(W) "Furbearing animals" includes minks, weasels, raccoons, skunks, opossums, muskrats, fox, beavers, badgers, otters, coyotes, and bobcats.

(WW) "Reptiles" includes common musk turtle (*Sternotherus odoratus*), common snapping turtle (*Chelydra serpentina serpentina*), spotted turtle (*Clemmys guttata*), Eastern box turtle (*Terrapene carolina carolina*), Blanding's turtle (*Emydoidea blandingii*), common map turtle (*Graptemys geographica*), Ouachita map turtle (*Graptemys pseudogeographica ouachitensis*), midland painted turtle (*Chrysemys picta marginata*), red-eared slider (*Trachemys scripta elegans*), Eastern spiny softshell turtle (*Apalone spinifera spinifera*), midland smooth softshell turtle (*Apalone mutica mutica*), Northern fence lizard (*Sceloporus undulatus hyacinthinus*), ground skink (*Scincella lateralis*), five-lined skink (*Eumeces fasciatus*), broadhead skink (*Eumeces laticeps*), Northern coal skink (*Eumeces anthracinus anthracinus*), European wall lizard (*Podarcis muralis*), queen snake (*Regina septemvittata*), Kirtland's snake (*Clonophis kirtlandii*), Northern water snake (*Nerodia sipedon sipedon*), Lake Erie watersnake (*Nerodia sipedon insularum*), copperbelly water snake (*Nerodia erythrogaster neglecta*), Northern brown snake (*Storeria dekayi dekayi*), midland brown snake (*Storeria dekayi wrightorum*), Northern redbelly snake (*Storeria occipitomaculata occipitomaculata*), Eastern garter snake (*Thamnophis sirtalis sirtalis*), Eastern plains garter snake (*Thamnophis radix radix*), Butler's garter snake (*Thamnophis butleri*), shorthead garter snake (*Thamnophis brachystoma*), Eastern ribbon snake (*Thamnophis sauritus sauritus*), Northern ribbon snake (*Thamnophis sauritus septentrionalis*), Eastern hognose snake (*Heterodon plantirhinos*), Eastern smooth earth snake (*Virginia valeriae valeriae*), Northern ringneck snake (*Diadophis punctatus edwardsii*), Midwest worm snake (*Carphophis amoenus helena*), Eastern worm snake (*Carphophis amoenus amoenus*), black racer (*Coluber constrictor constrictor*), blue racer (*Coluber constrictor foxii*), rough green snake (*Opheodrys aestivus*), smooth green snake (*Opheodrys vernalis vernalis*), black rat snake (*Elaphe obsoleta obsoleta*), Eastern fox snake (*Elaphe vulpina gloydi*), black kingsnake (*Lampropeltis getula nigra*), Eastern milk snake (*Lampropeltis triangulum triangulum*), Northern copperhead (*Agkistrodon contortrix mokasen*), Eastern massasauga (*Sistrurus catenatus catenatus*), and timber rattlesnake (*Crotalus horridus*).

(XX) "Amphibians" includes Eastern hellbender (*Cryptobranchus alleganiensis alleganiensis*), mudpuppy (*Necturus maculosus maculosus*), red-spotted newt (*Notophthalmus viridescens viridescens*), Jefferson salamander (*Ambystoma jeffersonianum*), spotted salamander (*Ambystoma maculatum*), blue-spotted salamander (*Ambystoma laterale*), smallmouth salamander (*Ambystoma texanum*), streamside salamander (*Ambystoma barbouri*), marbled salamander (*Ambystoma opacum*), Eastern tiger salamander (*Ambystoma tigrinum tigrinum*), Northern dusky salamander (*Desmognathus fuscus fuscus*), mountain dusky salamander (*Desmognathus ochrophaeus*), redback salamander (*Plethodon cinereus*), ravine salamander (*Plethodon richmondi*), Northern slimy salamander (*Plethodon glutinosus*), Wehrle's salamander (*Plethodon wehrlei*), four-toed salamander (*Hemidactylium scutatum*), Kentucky spring salamander (*Gyrinophilus porphyriticus duryi*), Northern spring salamander (*Gyrinophilus porphyriticus porphyriticus*), mud salamander (*Pseudotriton montanus*), Northern red salamander (*Pseudotriton ruber ruber*), green salamander (*Aneides aeneus*), Northern two-lined salamander (*Eurycea bislineata*), longtail salamander (*Eurycea longicauda longicauda*), cave salamander (*Eurycea lucifuga*), Southern two-lined salamander (*Eurycea cirrigera*), Fowler's toad (*Bufo woodhousii fowleri*), American toad (*Bufo americanus*), Eastern spadefoot (*Scaphiopus holbrookii*), Blanchard's cricket frog (*Acris crepitans blanchardi*), Northern spring peeper (*Pseudacris crucifer crucifer*), gray treefrog (*Hyla versicolor*), Cope's gray treefrog (*Hyla chrysoscelis*), Western chorus frog (*Pseudacris triseriata triseriata*), mountain chorus frog (*Pseudacris brachyphona*), bullfrog (*Rana catesbeiana*), green frog (*Rana clamitans melanota*), Northern leopard frog (*Rana pipiens*), pickerel frog (*Rana palustris*), Southern leopard frog (*Rana utricularia*), wood frog (*Rana sylvatica*).

• For more information concerning reptiles and amphibians refer to ODNR Division of Wildlife Publication 3 *Reptiles & Amphibians Licensing and Regulations*. •

1533.71 License to raise or keep game birds and animals.

Unless otherwise provided by division rule, any person desiring to engage in the business of raising and selling game birds, game quadrupeds, reptiles, amphibians, or fur-bearing animals in a wholly enclosed preserve of which the person is the owner or lessee, or to have game birds, game quadrupeds, reptiles, amphibians, or fur-bearing animals in captivity, shall apply in writing to the division of wildlife for a license to do so.

The division, when it appears that the application is made in good faith and upon the payment of the fee for each license, shall issue to the applicant any of the following licenses that may be applied for:

(A) "Commercial propagating license" permitting the licensee to propagate game birds, game quadrupeds, reptiles, amphibians, or fur-bearing animals in the wholly enclosed preserve the location of which is stated in the license and the application therefor, and to sell the propagated game birds, game quadrupeds, reptiles, amphibians, or fur-

bearing animals and ship them from the state alive at any time, and permitting the licensee and the licensee's employees to kill the propagated game birds, game quadrupeds, or fur-bearing animals and sell the carcasses for food subject to sections 1533.70 to 1533.80 of the Revised Code. The fee for such a license is forty dollars per annum.

(B) "Noncommercial propagating license" permitting the licensee to propagate game birds, game quadrupeds, reptiles, amphibians, or fur-bearing animals and to hold the animals in captivity. Game birds, game quadrupeds, reptiles, amphibians, and fur-bearing animals propagated or held in captivity by authority of a noncommercial propagating license are for the licensee's own use and shall not be sold. The fee for such a license is twenty-five dollars per annum.

(C) A free "raise to release license" permitting duly organized clubs, associations, or individuals approved by the division to engage in the raising of game birds, game quadrupeds, or fur-bearing animals for release only and not for sale or personal use.

Except as provided by law no person shall possess game birds, game quadrupeds, or fur-bearing animals in closed season, provided that municipal or governmental zoological parks are not required to obtain the licenses provided for in this section.

All licenses issued under this section shall expire on the fifteenth day of March of each year.

The chief of the division of wildlife shall pay all moneys received as fees for the issuance of licenses under this section into the state treasury to the credit of the fund created by section 1533.15 of the Revised Code for the use of the division in the purchase, preservation, and protection of wild animals and for the necessary clerical help and forms required by sections 1533.70 to 1533.80 of the Revised Code.

This section does not authorize the taking or the release for taking of the following:

- (1) Game birds, without first obtaining a commercial bird shooting preserve license issued under section 1533.72 of the Revised Code;
- (2) Game or nonnative wildlife, without first obtaining a wild animal hunting preserve license issued under section 1533.721 of the Revised Code.

1533.74 Sale of game or wildlife for food; tags for sale or transportation.

No game birds, game quadrupeds, or fur-bearing animals shall be sold for food unless the carcass of each game bird, game quadruped, or fur-bearing animal is tagged with a suitable tag or seal supplied by the division of wildlife. Game birds, game quadrupeds, and fur-bearing animals so killed and tagged may be possessed, bought, or sold at any time. Common carriers shall receive and transport game birds, game quadrupeds, and fur-bearing animals so tagged, but to every package containing them shall be affixed a tag or label upon which shall be plainly printed or written the name of the person to whom the license was issued, the name of the person to whom they are to be transported, the number of game birds, game quadrupeds, or fur-bearing animals contained in the package, and a statement to the effect that they were killed and tagged in accordance with sections 1533.70 to 1533.80 of the Revised Code.

The chief of the division of wildlife may adopt rules under section 1531.10 of the Revised Code necessary to administer this section.

This section and rules adopted pursuant to it do not apply to meat that has been inspected by the department of agriculture under Chapter 918. of the Revised Code and rules adopted under it and that has been marked with an official inspection mark, stamp, or brand pursuant to that inspection.

1533.75 Fee for game or wildlife sold for consumption.

The division of wildlife shall receive and collect a nominal sum for each tag or seal affixed to the carcasses of game birds, game quadrupeds, fur-bearing animals, and non-native wildlife as provided in sections 1533.73, 1533.731, and 1533.74 of the Revised Code. Each tag or seal shall remain affixed until the carcass of the game bird, game quadruped, fur-bearing animal, or nonnative wildlife is finally prepared for consumption, and the sale of a portion of a game bird, game quadruped, fur-bearing animal, or nonnative wildlife that does not at the time have affixed thereto the tag or seal constitutes a violation of those sections. The keeper of a hotel, restaurant, or boarding house, a retail dealer in meat, or a club may sell a portion of a game bird, game quadruped, fur-bearing animal, or nonnative wildlife so tagged to a guest, customer, or member for consumption.

No person shall counterfeit a tag issued by the division in accordance with sections 1533.73, 1533.731, and 1533.74 of the Revised Code, and no tag issued by the division shall be affixed to the carcass of a game bird, game quadruped, fur-bearing animal, or nonnative wildlife not propagated or acquired in accordance with sections 1533.70 to 1533.80 of the Revised Code.

1533.77 Records of game held by a licensee; display of license.

Each holder of a propagating license shall keep such license prominently displayed at the place of business specified in his license, and shall keep accurate written records which shall include the total number of game birds, game quadrupeds or fur-bearing animals possessed on the date of application for the license, the number subsequently propagated or acquired by purchase or gift, and the name and address of each person or corporation from whom or to whom game birds, game quadrupeds, or fur-bearing animals were purchased or sold alive or sold for food, and the date of each transaction. These records shall be kept permanently on the premises stated in the license, and shall be open for inspection by any authorized representative of the division of wildlife at all reasonable times.

1533.79 Control of parasites and diseased game and wildlife.

The chief of the division of wildlife may adopt, amend, and rescind such rules as he considers necessary to control or eradicate parasites and diseases of domesticated or semi-wild game birds, game quadrupeds, fur-bearing animals, or nonnative wildlife on the lands subject to sections 1533.70 to 1533.80 of the Revised Code.

ADMINISTRATIVE CODE OF OHIO

1501:31-15-10 Wild turkey regulations.

(H) It shall be unlawful for any person to release wild turkeys in Ohio without obtaining permission from the chief of the division of wildlife.

All game birds must be banded prior to release on a dog training ground and banded after being taken on a commercial bird shooting preserve.

Wildlife District One
1500 Dublin Road
Columbus 43215
Phone: (614) 644-3925

Wildlife District Two
952 Lima Avenue
Findlay 45840
Phone: (419) 424-5000

Wildlife District Three
912 Portage Lakes Drive
Akron 44319
Phone: (330) 644-2293

Wildlife District Four
360 E. State Street
Athens 45701
Phone: (740) 589-9930

Wildlife District Five
1076 Old Springfield Pike
Xenia 45385
Phone: (937) 372-9261

WILDLIFE DISTRICT OFFICES



CONTACT YOUR WILDLIFE OFFICER OR DISTRICT OFFICE FOR APPLICATIONS

TO ORDER TAGS REQUIRED BY SECTION 1533.74 TELEPHONE YOUR DISTRICT OFFICE
Tags are available in boxes of 100 for \$10.00 per box. Special pliers are required to seal these tags and may be obtained from district offices for \$25.00 each.

MAKE ALL CHECKS PAYABLE TO THE OHIO DIVISION OF WILDLIFE

Ted Strickland, Governor • Sean D. Logan, Director
David M. Graham, Chief
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