

1501:31-15-03 Nuisance wild animal control.

(A) General

(1) It shall be lawful for any person to trap or take live, nuisance wild animals. It shall be unlawful for any person to trap or take nuisance wild animals, except as provided in this rule.

(2) It shall be unlawful for any person who traps or takes a nuisance wild animal in accordance with paragraph (A) of this rule, who is not a licensed commercial nuisance wild animal control operator to charge a fee or receive compensation. For the purposes of this rule a fee or compensation shall be considered a requested or required payment of money, or exchange of material goods or services.

(3) It shall be unlawful for any person who is not a licensed commercial nuisance wild animal control operator to sell, use, or give to another person any live nuisance wild animal trapped or taken for removal in accordance with paragraph (A) of this rule. Nuisance wild animals may be transferred to another for disposition in accordance with this rule.

(4) It shall be unlawful for any person to trap or take nuisance wild animals on the lands of another without first obtaining permission from the owner or their authorized agent.

(5) It shall be unlawful for any person who is not a licensed commercial nuisance wild animal control operator to possess such trapped or taken nuisance wild animals longer than twenty-four hours from the time of capture.

(6) It shall be unlawful to fail to euthanize nuisance wild animals trapped or taken whose injuries affect normal biological or physiological functions.

(B) Commercial nuisance wild animal control operator

(1) Notwithstanding any other provision in this rule, it shall be lawful for any person applying for and receiving a commercial nuisance wild animal control operators license, and any person acting under the authority of a commercial nuisance wild animal control operators license, to trap or take nuisance wild animals. Such trapping or taking shall be in accordance with the following provisions:

(a) It shall be unlawful to possess for more than four days any live nuisance wild animals trapped or taken under the authority of a commercial nuisance wild animal control operator's license.

(b) It shall be unlawful to sell any nuisance wild animals trapped or taken under the authority of a commercial nuisance wild animal control operator license. Except, carcasses or parts not to include hides, of the following nuisance wild animals may be sold:

(i) Raccoon,

(ii) Opossum,

(iii) Beaver,

(iv) Muskrat,

(v) Red or gray fox,

(vi) Coyote,

(vii) Skunk,

(viii) Woodchuck or groundhog,

(ix) Mink.

(c) It shall be unlawful to sell hides of furbearing animals taken under the authority of a commercial nuisance wild animal control operators license, except those acquired during the open season as specified under rule [1501:31-15-17](#) of the Administrative Code may be held and sold from from the first day of the respective open season through June fifteenth of the following year.

(d) It shall be lawful to sell hides and tails of red, gray and fox squirrels trapped or taken under the authority of a commercial nuisance wild animal control operator license.

(C) Monitoring traps, snares or other devices

(1) Traps, snares or any other devices used to take or capture nuisance wild animals may be monitored with an operational electronic device or by personal observation by the person setting the trap or a designated agent. It shall be unlawful for any person to fail to monitor traps, snares or any other device used to take or capture nuisance wild animals, and remove all animals from their traps, snares or other devices once every calendar day, except:

(a) It shall be unlawful for any person engaged in trapping muskrats, beaver or river otters under ice to fail to monitor and remove all animals from their traps or snares at least once in every seventy-two hour period.

(b) It shall be unlawful for any person engaged in trapping muskrats with body gripping traps less than six inches in diameter that are completely submerged in water, to fail to monitor and remove all animals from their traps at least once in every seventy-two hour period.

(c) Traps or other devices used for control of nuisance rats, mice, moles, shrews or voles are exempt from trap monitoring requirements.

(2) It shall be unlawful for any person to disturb or molest a legally set trap, snare, or other device used to take or capture nuisance wild animals or remove any nuisance wild animal from a trap or snare of another without permission from the trap, snare or device owner or user.

(D) Identification of traps, snares or other unattended devices

(1) Unless otherwise specified, it shall be unlawful for any person to set, use, or maintain a trap, snare or other device, used to take a nuisance wild animal, unless such trap, snare or other device:

(a) Has attached thereto a durable, waterproof tag, written in English letters, legible at all times, identifying the owner or user by one of the following means:

(i) Name and mailing address,

(ii) Unique division of wildlife customer identification number,

(iii) Unique division of wildlife commercial nuisance wild animal control operator's license number, or

(b) Has stamped into or is permanently marked with information written in English letters, legible at all times, identifying the owner or use by one of the following means:

(i) Name and mailing address,

(ii) Unique division of wildlife customer identification number,

(iii) Unique division of wildlife commercial nuisance wild animal control operator's license number.

(c) Traps or devices used to take moles, shrews, voles or house mouse (*Mus musculus*), Norway rat (*Rattus norvegicus*) or roof rat (*Rattus rattus*) are not required to be marked.

(E) Trapping

(1) For the purposes of this rule, traps shall be measured in the open set position, from the inside of the main trap jaws as produced by the manufacturer and shall not include jaw modifications or add-ons.

(a) Foothold traps. For the purposes of this rule, measurement of foot hold traps shall be made perpendicular to the frame at the widest location parallel with the dog. Measurement of foot hold traps without dogs shall be made perpendicular to the frame at the widest location parallel with the pan shank.

(i) It shall be unlawful for any person to set, use, or maintain a foothold trap, on land, for the purpose of taking a nuisance wild animal, that has an inside diameter jaw spread greater than five and five eighths inches, except foothold traps with a jaw spread not larger than six inches may be utilized when they meet the following:

(a) The jaws have a minimum of five-sixteenths inch gripping surface.

(b) Each trap has a minimum of three swiveling points.

(ii) It shall be unlawful for any person to set, use, or maintain a foothold trap, submerged in the water, for the purpose of taking a nuisance wild animal, that has an inside diameter jaw spread greater than eight and one-quarter inches.

(iii) It shall be unlawful for any person to set, use, or maintain any foothold trap on land or in water, for the purpose of taking a nuisance wild animal, that is not covered.

(b) Foot encapsulating traps.

(i) It shall be unlawful for any person to set, use, or maintain a foot encapsulating trap, for the purpose of taking a nuisance wild animal, that has an opening that is greater than two inches in diameter or two inches along any one side.

(ii) It shall be unlawful to set a foothold or foot encapsulating trap on land, for the purpose of taking a nuisance wild animal, that has less than two swiveling points.

(c) Body gripping traps. For the purposes of this rule, body gripping traps shall be measured from the inside of the main jaw at the trigger assembly to the inside of the opposing jaw across the entrance window.

(i) It shall be unlawful for any person other than a licensed commercial nuisance wild animal control operator to set, use, or maintain a body gripping trap, on land for the purpose of taking a nuisance wild animal, that has an inside diameter jaw spread larger than five inches in diameter, except as provided in paragraph (H) of this rule.

(ii) It shall be unlawful for any licensed commercial nuisance wild animal control operator to set, use, or maintain a body gripping trap, on land for the purpose of taking a nuisance wild animal, that has an inside diameter jaw spread larger than six inches in diameter, except as provided in paragraph (H) of this rule.

(iii) It shall be unlawful for any person to set, use, or maintain a body gripping trap, for the purpose of taking a nuisance wild animal, with a jaw measurement of greater than five inches or less than or equal to seven inches unless partially or completely submerged in a natural body of water, except as provided in paragraph (H) of this rule.

(iv) It shall be unlawful for any person at any time to set, use, or maintain a body gripping trap, in the water for the purpose of taking a nuisance wild animal, that has a jaw spread larger than seven inches except while completely submerged.

(d) Snares

(i) It shall be unlawful to use any snare that is constructed of any material other than multi or single strand steel cable.

(ii) It shall be unlawful for a person to set, use, and maintain snares, except for a spring-loaded, or spring-assisted or a snare with a mechanical device to assist in capturing or closing around a wild animal, for the purpose of taking a nuisance wild animal that does not have:

(a) A relaxing lock and a stop to prevent the opening of the snare from closing to a diameter of less than two and one half inches in diameter, or,

(b) A relaxing lock system with a breaking point of not greater than three hundred fifty pounds.

(iii) It shall be unlawful to set a snare with a loop diameter of greater than fifteen inches.

(iv) It shall be unlawful to use a snare attached to a drag.

(v) It shall be unlawful for any person, except a licensed commercial nuisance wild animal control operator, to have attached to or use a spring-loaded, spring-assisted or mechanical device on a snare to assist the snare in capturing or closing around a nuisance wild animal.

(a) It shall be unlawful for any person to use a spring-loaded, spring-assisted or mechanical device on a snare that is designed or marketed as a lethal snare that has a loop diameter greater than five inches on land.

(b) It shall be unlawful for any person to use a spring-loaded, spring-assisted or mechanical device on a snare that is designed or marketed as a lethal snare that has a loop diameter greater than eight inches in water.

(2) Except as otherwise provided, it shall be unlawful for any person to place, set, or maintain any type of unattended trap other than a cage or box trap, body gripping trap, snare, or spring assisted snare, foot hold trap, foot-encapsulating trap, mole trap, snap trap or glue board for the purpose of taking a nuisance wild animal.

(3) It shall be unlawful to fail to euthanize, or release on site, any nuisance raccoon, skunk, beaver, coyote, red fox, or opossum that is captured, trapped or taken. Except as otherwise provided, it shall be unlawful to fail to release all other nuisance wild animals:

(a) Outside the limits of any incorporated city or village,

(b) On public or private property without the permission of the landowner,

(c) Squirrels, chipmunks, woodchucks, mice, shrews, voles, rats, rabbits, mink, muskrats or moles may be released or may be euthanized.

(4) Nuisance wild animals which cannot be live-trapped because of certain conditions may be killed only after applying for and receiving written permission from the chief of the division of wildlife or their designee. No such written permission is required to kill or use lethal means of control for the following nuisance wild animals unless otherwise provided in paragraph (H) of this rule:

- (a) Beaver
- (b) Chipmunk
- (c) Mice, excepting Eastern harvest mouse
- (d) Shrews
- (e) Voles
- (f) Moles
- (g) Muskrat
- (h) Opossum
- (i) Raccoon
- (j) Rats, excepting Woodrats
- (k) Red, gray, fox and flying squirrels
- (l) Skunks
- (m) Woodchucks
- (n) Coyote
- (o) Red fox
- (p) Thirteen-lined ground squirrel
- (q) Mink
- (r) Feral swine
- (s) Rabbits
- (t) Weasel

(5) It shall be unlawful for any person to use traps, for the purpose of taking a nuisance wild animal, having teeth on the jaws except mouse, rat or mole traps as designed by the manufacturer.

(6) It shall be unlawful to use any flesh bait that is not totally covered or concealed unless such bait is encapsulated by the trap.

(7) It shall be unlawful to set, use, or maintain any trap or snare on any area designated as a public hunting area for the purpose of removing nuisance wild animals without permission of the chief of the division of wildlife or their designee.

(8) It shall be unlawful to take a raccoon, opossum, skunk or fox with the use of dogs outside of a structure during the closed season.

(9) It shall be unlawful to fail to euthanize a trapped nuisance feral swine at the trap location.

(F) Toxicants or chemical control

(1) It shall be lawful to use a toxicant or chemical substance, excepting contraceptive chemicals, as a means of control for nuisance wild animals.

(2) It shall be unlawful to use a toxicant or chemical substance for the taking or control of a nuisance wild animal contrary to or in violation of instructions on the label or manufacturer recommendations.

(3) It shall be unlawful for a licensed commercial wild animal control operator as defined in section [1531.40](#) of the Revised Code to use a toxicant or chemical substance for the taking or control of a nuisance wild animal without first possessing the appropriate license under Chapter 921. of the Revised Code.

(4) It shall be lawful to use a contraceptive chemical to control the population of common pigeons.

(5) It shall be unlawful to use a contraceptive chemical for the taking or control of nuisance wild birds contrary to or in violation of instructions on the label or the manufacturer's recommendations.

(G) Other methods

It shall be lawful for a licensed commercial nuisance wild animal control operator to use a gun equipped with a silencer or muffler.

(H) Species specific limitations

(1) White-tailed deer

(a) White-tailed deer which are causing damage or have become a nuisance may be captured or killed by licensed commercial nuisance wild animal control operator or other persons, only after such landowner or agent of the landowner, where the damage or nuisance is occurring has received a permit from the chief of the division of wildlife or their designee.

(b) The division of wildlife representative approving a permit for a landowner or agent of the landowner, to take, trap or capture white-tailed deer may include specific stipulations on that

permit under which white-tailed deer may be captured or killed. It shall be unlawful for any person to violate any stipulation set forth on their permit. A violation of any permit stipulation is a violation of this rule and such permit is then subject to revocation by the chief of the division of wildlife or their designee.

(c) All nuisance white-tailed deer immobilized with chemicals or drugs shall be euthanized.

(2) Black bear

(a) Black bear which are causing damage or have become a nuisance may be captured or killed by licensed commercial nuisance wild animal control operators or other persons, only after such landowner or agent of the landowner, where the damage or nuisance is occurring has received a permit from the chief of the division of wildlife or their designee.

(b) The division of wildlife representative approving a permit for a landowner or agent of the landowner, to take, trap or capture a black bear, may include specific stipulations on that permit under which a black bear may be captured or killed. It shall be unlawful for any person to violate any stipulation set forth on their permit. A violation of any permit stipulation is a violation of this rule and such permit is then subject to revocation by the chief of the division of wildlife or their designee.

(3) Wild turkey

(a) Wild turkey, which are causing damage or have become a nuisance may be captured or killed by licensed commercial nuisance wild animal control operators or other persons, only after such landowner or agent of the landowner, where the damage or nuisance is occurring has received a permit from the chief of the division of wildlife or their designee.

(b) The division of wildlife representative approving a permit for a landowner or agent of the landowner, to take, trap or capture wild turkey may include specific stipulations on that permit under which wild turkey may be captured or killed. It shall be unlawful for any person to violate any stipulation set forth on their permit. A violation of any permit stipulation is a violation of this rule and such permit is then subject to revocation by the chief of the division of wildlife or their designee.

(4) Migratory birds

(a) It shall be unlawful to capture or kill nuisance migratory birds without first obtaining a permit to do so from the United States department of interior, fish and wildlife service, except for the following:

(i) Crows

(a) Notwithstanding any other provision in this rule, it shall be lawful for any person to take crows which are found committing or about to commit depredations upon ornamental or shade

trees, agricultural crops, livestock, or wildlife, or when concentrated in such numbers and manner as to constitute a health hazard or other nuisance.

(b) It shall be unlawful to take or attempt to take crows under paragraph (E) of this rule with the aid or assistance of any calls, artificially placed bait or decoys.

(ii) Canada goose

(a) Canada geese which are causing damage or have become a nuisance from March eleventh through August thirty-first may be captured or taken by licensed commercial wild animal control operators, landowners, or agents of the landowner, only after such landowner where the damage or nuisance is occurring has received a permit from the chief of the division of wildlife or their designee.

(b) Canada geese which are causing damage or have become a nuisance from September first through March tenth may be captured or taken by licensed commercial wild animal control operators, landowners, or agents of the landowner, only after such landowner where the damage or nuisance is occurring has received a permit from the United States department of the interior, fish and wildlife service.

(c) The division of wildlife representative approving a goose damage permit for a landowner may include specific stipulations on the permit under which geese, their nests or eggs may be trapped, captured, taken or destroyed. It shall be unlawful for any person to violate any stipulation set forth on their permit. A violation of any permit stipulation is a violation of this rule, and such permit is the subject to revocation by the chief or their designee.

(iii) Mute swan

(a) Mute swans may be captured or taken by licensed commercial nuisance wild animal control operators, landowners, or agents of the landowner, only after such landowner where the damage or nuisance is occurring has received a permit from the chief of the division of wildlife or their designee.

(b) The division of wildlife representative approving a mute swan removal permit for a landowner may include specific stipulations on the permit under which mute swans, their nests or eggs may be trapped, captured, taken or destroyed. It shall be unlawful for any person to violate any stipulation set forth on their permit. A violation of any permit stipulation is a violation of this rule, and such permit is the subject to revocation by the chief or their designee.

(b) It shall be unlawful to take nuisance migratory birds in violation of the United States Code of Federal Regulations.

(c) Inactive nests of non-colonial migratory birds may be removed.

(5) Bats

(a) It shall be unlawful to euthanize or kill a bat unless a bite or potential exposure to rabies has occurred. Any bat killed or euthanized must be reported to the local health department by the affected landowner or their designated agent by the end of the next business day.

(b) It shall be unlawful for any person who is not a licensed commercial nuisance wild animal control operator to charge a fee or receive compensation to perform bat exclusion, unless exempted from certification in paragraph (J)(1) of this rule,

(c) It shall be unlawful to fail to inspect the structure for the presence of bats prior to performing bat exclusion. In addition, if no bats are observed when the structure is inspected, from May sixteenth of each year through July thirty-first of each year, it shall be unlawful to fail to perform or have performed a minimum of two bat watches over a seven day period prior to performing a bat exclusion.

(d) It shall be unlawful to perform a bat exclusion on a structure where fifteen or more bats are present or observed from May sixteenth of each year through July thirty-first of each year without prior written permission from the chief of the division of wildlife or their designee.

(e) For the purpose of this rule "bat eviction" or "bat exclusion" is defined as the act of installing a device or materials for the purpose of removing bats from a structure.

(f) For the purpose of this rule "bat watch" shall be defined as the act of observing a structure to document whether bats are emerging from or entering the structure. Such observations shall be for the period of one-half hour before sunrise to one hour after sunrise or the period of one-half hour before sunset to one-half hour after sunset.

(6) Woodchucks or groundhogs

(a) It shall be unlawful to use a body gripping trap with a jaw spread greater than seven inches across to take woodchucks.

(b) It shall be unlawful to set, use, or maintain a body gripping trap to take woodchucks which is set more than three feet from the hole, or structure the woodchuck is inhabiting.

(c) It shall be unlawful to set, use, or maintain a body gripping trap greater than five inches to take woodchucks that does not have an enclosure or structure around the trap which prohibits other animals from getting into the trap from the outside.

(d) It shall be unlawful for any person except licensed commercial nuisance wild animal control operators to use snares without a relaxing lock for the purpose of taking woodchucks,

(7) Species designated as endangered or threatened

(a) It shall be unlawful to capture or kill nuisance wild animals listed as endangered in rule [1501:31-23-01](#) of the Administrative Code or listed as threatened in rule [1501:31-23-02](#) of the

Administrative Code without a permit to do so issued by the chief of the division of wildlife or their designee.

(I) Procedures for issuing, denying, suspending and revoking a license issued under section [1531.40](#) of the Revised Code

(1) The chief of the division of wildlife or their designee shall issue a commercial nuisance wild animal control operator license to any person who applies in writing, with the following conditions:

(a) The application is made on a form and in a manner as prescribed by the chief of the division of wildlife,

(b) The application is made in good faith and all required information is provided as indicated on the application, including but not limited to the name and address of the applicant,

(c) Payment of the fee for the license is made, in the amount as specified in section [1531.40](#) of the Revised Code.

(d) Such license will not be considered valid unless the licensee or an employee of the licensee has a current certification as required under division (C) (1) of section [1531.40](#) of the Revised Code.

(2) The chief of the division of wildlife or their designee may deny an application for a commercial nuisance wild animal control operators license if the application does not meet the requirements listed or if payment is not received or if any check, money order or other instrument of payment is of insufficient funds.

(3) The chief of the division of wildlife or their designee may suspend or revoke any commercial nuisance wild animal control operators license if:

(a) The licensee or the employee of the licensee is convicted of or pleads guilty to a violation of Chapter 1531. or 1533. of the Revised Code,

(b) The payment received for said license is paid with any check, money order or other method of payment that is returned for insufficient funds.

(4) Notification of suspension or revocation of a commercial nuisance wild animal control operators license shall be made by certified mail or personal service of a letter of suspension or revocation.

(5) No fees paid for said revoked license shall be refunded.

(J) Requirements for a certification course required by division (C)(1) of section [1531.40](#) of the Revised Code

(1) Employees of a licensed commercial nuisance wild animal control operator under on-site supervision of a certified operator or employee are exempt from certification. For the purpose of this rule, under on-site supervision shall be while staying within a distance from the person that enables uninterrupted, unaided visual and auditory communications.

(2) All certification courses will be conducted and administered in accordance with policies and procedures established by the chief of the division of wildlife. Minimum content of the course shall include but is not limited to:

(a) Public safety,

(b) Public health,

(c) Nuisance wild animal life history,

(d) The use of nuisance wild animal removal and control devices,

(e) Laws and rules governing nuisance wild animal removal.

(3) Certification courses may be instructed by any division of wildlife qualified instructor. Course material may be presented on-line and conducted as home-study or may be presented in-person.

(4) Instructors will obtain student manuals and other training materials for their courses from the division of wildlife.

(5) Courses shall be conducted statewide.

(6) Courses shall be free of charge with the exception that instructors may charge nominal fees, in accordance with policies established by the chief, to cover training costs such as facility fees.

(7) The division may charge participants nominal fees for special training courses, home study, certification testing, educational materials, and other programs as approved by the chief.

(8) Completion of the course shall include passing of an examination and receiving a certificate prescribed by the chief of the division of wildlife.

(9) Renewal of certification shall be through passing of an examination of knowledge of continuing education material presented from the division of wildlife on-line or in-person.

(K) Airports

(1) Any wild animal, excepting migratory birds, which poses a threat or hazard to aircraft operations for airports meeting FAA standards (FAA CertAlert 16-03) or that are 14 C.F.R. Part 139 certified, and are within the fenced area or any wild animal, excepting migratory birds,

which poses an immediate threat or hazard to aircraft operations or that are within an FAA designated runway safety area may be captured or killed at any time, provided:

(a) It shall be unlawful to fail to report any wild animal, excepting migratory birds, captured or killed under paragraph (K)(1) of this rule to the division of wildlife within twenty-four hours of the animal being captured or killed

(b) It shall be unlawful to fail to surrender any threatened or endangered species captured or killed under paragraph (K)(1) of this rule to the division of wildlife.

(c) It shall be unlawful to fail to obtain a receipt from a wildlife officer for a white-tailed deer carcass to be given away for consumption which was killed under paragraph (K)(1) of this rule

(d) It shall be unlawful to transfer the carcass any wild animal killed under paragraph (K)(1) of this rule to any other person without the permission of the chief of division of wildlife or their designee.

(L) It shall be unlawful for a person operating under authority of a commercial nuisance wild animal control operator license to fail to carry proof of successfully completing the certification course as required by division (C)(1) of section [1531.40](#) of the Revised Code while working under the authority of a commercial nuisance wild animal control operator license. Such certification shall be exhibited upon demand to any wildlife officer or other person with like authority.

(M) It shall be unlawful for a person operating under the authority of a commercial nuisance wild animal control operator's license to fail to carry a copy of the valid commercial nuisance wild animal control operator's license under which they operate. Such license shall be exhibited upon demand to any wildlife officer or other person with like authority.

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