

901:1-4-16

Rescue facility permit.

(A) An applicant for a rescue facility permit shall file an application for a permit with the director of agriculture on a form prescribed and provided by the director. An applicant need apply for only one permit regardless of the number of dangerous wild animals that the applicant possesses. The application shall include all of the following:

- (1) The name, date of birth, address, social security number, and federal employer identification number, if applicable, of the applicant;
- (2) If different from the information provided under paragraph (A)(1) of this rule, the name and address of the location where each dangerous wild animal will be confined;
- (3) A description of each dangerous wild animal, including the scientific and common names, the name that the applicant has given the animal, the animal's sex, age, color, weight, and any distinguishing marks or coloration that would aid in the identification of the animal;
- (4) The identification number of a microchip that is implanted in each dangerous wild animal and the frequency of the passive integrated transponder contained in the microchip;
- (5) A plan of action to be undertaken if a dangerous wild animal escapes;
- (6) Proof that the applicant has established a veterinarian-client relationship as described in section 4741.04 of the Revised Code with regard to each dangerous wild animal;
- (7) A declaration as to whether the applicant has ever been convicted of a felony, or any crime related to cruelty to animals, escape of dangerous animals, or prohibitions concerning companion animals;
- (8) A declaration as to whether the dangerous wild animals have previously been registered with the department;
- (9) A declaration that each dangerous wild animal has been sterilized, or that such sterilization is medically contraindicated;
- (10) A declaration as to whether the applicant will have employees working on their behalf;
- (11) A attestation as to whether the applicant has used equivalent materials as defined in rule 901:1-4-01 of the Administrative Code;
- (12) An declaration as to whether the applicant is in compliance with the housing and care standards set forth in Chapter 901:1-4 of the Administrative Code;

and,

(13) A declaration that the applicant will not allow public contact with the dangerous wild animals.

(14) An opportunity for the applicant to request the department make a determination as to the suitability of equivalent materials used in the applicant's facility.

(B) Not later than ninety days after receipt of an application under section 935.101 of the Revised Code, the director of agriculture shall issue or deny a rescue facility permit. The director shall issue a permit to an applicant only if all of the following apply:

(1) The applicant is eighteen years of age or older.

(2) The applicant is in compliance with the standards of care established in this chapter.

(3) The applicant has signed an affidavit attesting that each dangerous wild animal that is possessed by the applicant has been sterilized. However, a dangerous wild animal is not required to be sterilized if a veterinarian that is qualified to provide veterinary care to the dangerous wild animal determines that the sterilization is medically contraindicated and the applicant has submitted a copy of the veterinarian's written determination with the applicant's application.

(4) The applicant has signed an affidavit attesting that the applicant will not allow members of the public to be in physical contact with a dangerous wild animal possessed by the applicant. This paragraph does not apply to an employee of the applicant or a volunteer who has entered into a written agreement with the applicant to work for or volunteer for the applicant and assists in the care of a dangerous wild animal or animals specified in division (C)(20) of section 935.01 of the Revised Code possessed by the applicant if the care is provided under the direction of the applicant.

(5) The applicant has signed an affidavit attesting that the facility at which a dangerous wild animal or dangerous wild animals will be maintained under the permit and the conditions in which each dangerous wild animal will be kept in that facility are in compliance with this chapter and rules.

(6) The applicant has submitted a complete application that meets the requirements established in section 935.101 of the Revised Code and this rule.

(7) The applicant has submitted the applicable fee under section 935.101 of the Revised Code.

If a permit is issued, the director shall assign a unique identification number to the permit.

(C) Not later than the first day of December of each year, a permit holder shall apply to the director, on a form prescribed and provided by the director, for a renewal of the permit if the permit holder intends to retain possession of the dangerous wild animal or animals that are identified in the permit.

(D) Not later than thirty days after receipt of an application for renewal, the director shall renew or deny the renewal of the permit. The director shall renew the permit if the permit holder complies with this chapter and rules and pays a renewal fee in the same amount as the fee established for the initial permit in section 935.101 of the Revised Code.

(E) If a renewal permit is denied, two hundred fifty dollars of the renewal fee shall be retained by the director as payment for the reasonable expense of processing the application, and the remainder of the renewal fee shall be returned to the applicant.

(F) If the director denies an application for a permit or a renewal of a permit, the director shall notify the person of the denial, the grounds for the denial, and the person's right to an adjudication under Chapter 119. of the Revised Code.

(G) If a person does not appeal the determination of the director to deny an application for a permit or a renewal of a permit or if the determination of the director is affirmed under Chapter 119. of the Revised Code, not later than thirty days after the decision not to appeal or after the determination is affirmed, as applicable, the person shall transfer the dangerous wild animal or animals that the person possesses to a humane society, wildlife sanctuary, rescue facility, facility that is an accredited member of either the association of zoos and aquariums or the zoological association of America, or facility that is located in another state and that complies with that state's applicable laws. After the transfer has occurred, the person shall submit proof to the director that the dangerous wild animal or animals were transferred and shall specify the society, sanctuary, or facility to which the animal or animals were transferred.

The person is responsible for all costs associated with the transfer of the dangerous wild animal or animals.

(H) If a person that has been issued a rescue facility permit under section 935.101 of the Revised Code dies, the person's next of kin shall do one of the following:

(1) If the next of kin wishes to possess the dangerous wild animal or animals, obtain a rescue facility permit under section 935.101 of the Revised Code. That next of kin shall comply with this chapter and rules, except that, with respect to the next of kin's initial permit, the person need not pay the applicable permit application fee.

- (2) If the deceased person has a last will and testament that specifies that the dangerous wild animal or animals possessed by the person are to be transferred to another person that has been issued a wildlife shelter permit, wildlife propagation permit, or rescue facility permit issued under this chapter, transfer the dangerous wild animal or animals to the applicable permit holder;
- (3) Transfer the dangerous wild animal or animals that were possessed by the deceased person in accordance with paragraph (G) of this rule.
- (I) All fees collected under this section shall be credited to the dangerous and restricted animal fund created in section 935.25 of the Revised Code.

Effective:

R.C. 119.032 review dates:

Certification

Date

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