

481A.1 Definitions.

Words and phrases as used in this chapter and chapters 350, 456A, 456B, 457A, 461A through 461C, 462A, 462B, 463B, 464A, 465A through 465C, 481B, 482, 483A, 484A, and 484B and such other chapters as relate to the subject matter of these chapters shall be construed as follows:

1. "Alien" shall not be construed to mean any person who has applied for naturalization papers.
2. "Amphibian" means a member of the class Amphibia.
3. "Aquaculture" means the controlled propagation, growth, and harvest of aquatic organisms, including, but not limited to fish, amphibians, reptiles, mollusks, crustaceans, gastropods, algae, and other aquatic plants, by an aquaculturist.
4. "Aquaculture unit" means all private waters for aquaculture with or without buildings, used for the purpose of propagating, raising, holding, or harvesting aquatic organisms for commercial purposes.
5. "Aquaculturist" means an individual involved in producing, transporting, or marketing aquatic products from private waters for commercial purposes.
6. "Bag limit" or "possession limit" is the number of any kind of game, fish, bird or animal or other wildlife form permitted to be taken or held in a specified time.
7. "Bait" includes but is not limited to minnows, green sunfish, orange-spotted sunfish, gizzard shad, frogs, crayfish, and salamanders.
8. "Biological balance" means that condition when the number of animals present over the long term is at or near the number of animals of a particular species that the available habitat is capable of supporting.
9. "Bird" means a member of the class Aves.
10. "Buy" means to purchase, offer to purchase, barter for, trade for, or lease.
11. "Closed season" is that period of time during which hunting, fishing, trapping or taking is prohibited.
12. "Commercial purposes" means selling, giving, or furnishing to others.
13. "Commission" means the natural resource commission.
14. "Contraband" as used in the laws pertaining to the work of the commission shall mean anything, the possession of which was illegally procured, or the possession of which is unlawful.
15. "Department" means the department of natural resources.
16. "Director" means the director of the department or the director's designee.
17. "Farm deer" means the same as defined in section 170.1.
18. "Fish" means a member of the class Pisces.
19. "Frog" means a member of the order Anura.
20. "Fur-bearing animals" means the following which are declared to be fur-bearing animals for the purpose of regulation and protection under the Code: beaver, badger, mink, otter, muskrat, raccoon, skunk, opossum, spotted skunk or civet cat, weasel, coyote, bobcat, wolf, groundhog, red fox, and gray fox. This chapter does not apply to domesticated fur-bearing animals.
21. "Game" means all of the animals specified in this subsection except those designated as not protected, and includes the heads, skins, and any other parts, and the nests and eggs of birds and their plumage.
 - a. The Anatidae: such as swans, geese, brant, and ducks.
 - b. The Rallidae: such as rails, coots, mudhens, and gallinules.
 - c. The Limicolae: such as shorebirds, plovers, surfbirds, snipe, woodcock, sandpipers, tattlers, godwits, and curlews.
 - d. The Gallinae: such as wild turkeys, grouse, pheasants, partridges, and quail.
 - e. The Columbidae: such as mourning doves and wild rock doves only.
 - f. The Sciuridae: such as gray squirrels and fox squirrels.
 - g. The Leporidae: cottontail rabbits and jackrabbits only.
 - h. The Cervidae: such as elk or deer, other than farm deer.
22. "Measurement of fish" is the length from end of nose to longest tip of tail.

23. “*Minnows*” means chubs, suckers, shiners, dace, stonerollers, mud minnows, redbhorse, blunt-nose, and fathead minnows.

24. “*Mussels*” means the pearly fresh water mussels, clams or naiads, and their shells.

25. “*Open season*” is that period of time during which hunting, fishing, trapping or taking is permitted.

26. “*Person*” shall mean any person, firm, partnership or corporation.

27. “*Possession*” is both active and constructive possession and any control of things referred to.

28. “*Private waters for aquaculture*” means waters confined within an artificial containment, such as man-made ponds, vats, tanks, raceways, and other indoor or outdoor facilities constructed wholly within or on the land of an owner or lessee and used for aquaculture.

29. “*Reptile*” means a member of the class Reptilia.

30. “*Sell*” or “*sale*” is selling, bartering, exchanging, offering or exposing for sale.

31. “*Spawn*” means any of the eggs of any fish, amphibian, or mussel.

32. “*Take*” or “*taking*” or “*attempting to take*” or “*hunt*” is any pursuing, or any hunting, fishing, killing, trapping, snaring, netting, searching for or shooting at, stalking or lying in wait for any game, animal, bird, or fish protected by the state laws or rules adopted by the commission whether or not such animal be then subsequently captured, killed, or injured.

33. “*Transport*” or “*transportation*” is all carrying or moving or causing to be carried or moved.

34. “*Turtle*” means any member of the order Testudines.

35. “*Whitetail*” means an animal belonging to the cervidae family and classified as part of the virginianus species of the odocoileus genus, commonly referred to as whitetail.

36. “*Wild animal*” means a wild mammal, bird, fish, amphibian, reptile, or other wildlife found in this state, whether game or nongame, migratory or nonmigratory, the ownership and title to which is claimed by this state.

37. “*Wild mammal*” means a member of the class Mammalia.

[C39, §1703.60; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §109.1]

83 Acts, ch 168, §5; 86 Acts, ch 1245, §1850 – 1852; 88 Acts, ch 1216, §1, 2; 92 Acts, ch 1160, §17; 92 Acts, ch 1186, §1; 92 Acts, ch 1216, §1

C93, §481A.1

93 Acts, ch 99, §1; 95 Acts, ch 134, §5; 2003 Acts, ch 149, §14 – 16, 23; 2012 Acts, ch 1118, §4

Referred to in §556H.1, 717B.1, 717B.2, 717B.3A, 717B.6, 717D.3

[T] Subsection 7 amended