§ 11-0523. Destructive or menacing wildlife; taking without permit.

1. Owners and lessees and members of their immediate families actually occupying or cultivating lands, and persons authorized in writing and actually employed by them in cultivating such lands, may take (a) unprotected wildlife other than birds and (b) starlings, common crows and, subject to section 11-0513, pigeons, when such wildlife is injuring their property or has become a nuisance thereon. Such taking may be done in any manner, notwithstanding any provision of the Fish and Wildlife Law, except section 11-0513, or the Penal Law or any other law.

2. Any bear killing or worrying livestock on land occupied or cultivated, or destroying an apiary thereon, may be taken or killed, at any time, by shooting or device to entrap or entice on such land, by the owner, lessee or occupant thereof, or any member of the owner's, lessee's or occupant's immediate family or by any person employed by such owner, lessee or occupant. The owner or occupant of such lands shall promptly notify the nearest environmental conservation officer and deliver to such officer the carcass of any bear killed pursuant to this subdivision. The environmental conservation officer shall dispose of the carcass as the department may direct.

3. Red-winged blackbirds, common grackles and cowbirds destroying any crop may be killed during the months of June, July, August, September and October by the owner of the crop or property on which it is growing or by any person in his employ.

4. Varying hares, cottontail rabbits and European hares which are injuring property on occupied farms or lands may be taken thereon, at any time, in any manner, except by the use of ferrets, fitch-ferrets or fitch, by the owners or occupants of such farms or lands or by a person authorized in writing by them and actually employed by them in cultivating such farm lands.

5. Skunks injuring property or which have become a nuisance may be taken at any time in any manner.

6. Raccoons, muskrats, coyotes or fox injuring private property may be taken by the owner, occupant or lessee thereof, or an employee or family member of such owner, occupant or lessee, at any time in any manner.

7. Whenever black, grey and fox squirrels, opossums or weasels are injuring property on occupied farms or lands or dwellings, they may be taken at any time in any manner, by the owners or occupants thereof or by a person authorized in writing by such owner or occupant.

8. No license or permit from the department is required for any taking authorized by this section.

9. Varying hares, cottontail rabbits, skunks, black, grey and fox squirrels, raccoons, muskrats, opossums or weasels taken pursuant to this section in the closed season or in a manner not permitted by section 11-0901 shall be immediately buried or cremated. No person shall possess or traffic in such skunks or raccoons or the pelts thereof or in such varying hares or cottontail rabbits or the flesh thereof.