

RECORD OF ORDINANCES

ORDINANCE 05-2020

ORDINANCE CREATING CHAPTER 157, TITLED INDIGENT CREMATION / BURIAL POLICY; AND DECLARING AN EMERGENCY.

WHEREAS, Ohio Revised Code Section 9.15, titled Burial or Cremation of body at expense of township or municipal corporation requires that when a body of a dead person is found in the township or municipal corporation that the municipal corporation is required to pay for the cost of the burial or the cremation;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF GENOA, OTTAWA COUNTY, OHIO THAT:

SECTION 1. That the Council of the Village of Genoa hereby adopts Chapter 157, titled Indigent Cremation / Burial Policy, attached hereto as Exhibit A.

SECTION 2. That the Fiscal Officer shall create account number 1000-240-399, titled Cemetery – contractual services in the 2020 budget and for each budget year thereafter. That the said account shall have the 2020 budget of \$1,500.00, for the cost of indigent cremations for indigent persons found deceased in the Village of Genoa, Ottawa County, Ohio.

SECTION 3. It is found and determined that all formal actions of council concerning or relating to the passage of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and any of its committees, that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements of the Village of Genoa and Section 121.22 of the Ohio Revised Code.

SECTION 4. This ordinance shall take effect as an emergency measure necessary because complying with State law is necessary to protect the health, safety and welfare of our citizens and shall be in full force from and immediately after its passage.

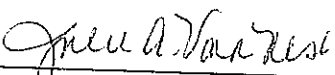
Vote to suspend rules: For: 6 Against: 0

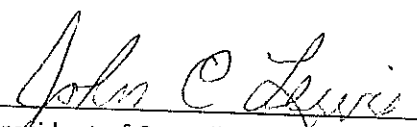
Vote on emergency clause: For: 6 Against: 0

Vote on final adoption: For: 6 Against: 0

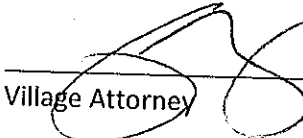
ADOPTED 1.6.2020 As an emergency measure.

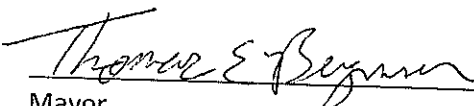
ATTEST:


Clerk of Council


President of Council

APPROVED AS TO FORM: APPROVED:


Village Attorney


Mayor

RECORD OF ORDINANCES

FISCAL OFFICER'S CERTIFICATE AS TO PUBLICATION

This is to certify that publication was duly made as provided in Ordinance 67-2017 adopted by the following method:

By posting certified copies thereof in the six (6) public places specified in Section 105.01 of the Codified Ordinances of the Village of Genoa, and by Ordinance 67-2017, said posting having been accomplished on the following date: 1-10, 2020

Michael Van Tass
Fiscal Officer

CHAPTER 157
Indigent Cremation/ Burial Policy

157.01 PURPOSE.	157.05 DETERMINING LEGAL RESIDENCY.
157.02 APPLICATION OF POLICY.	157.06 POLICY.
157.03 ADMINISTRATION.	157.07 LIMITATIONS.
157.04 DETERMINING INDIGENCE.	

CROSS REFERENCE
Burial of unclaimed body – O.R.C. 9.15

157.01 PURPOSE.

This Indigent Cremation / Burial Policy is enacted to comply with the provisions of ORC 9.15 pertaining to the burial of indigent persons found within the Village who are not claimed by any person for private interment or cremation at the person's own expense, or interment or cremation when the body of an indigent person is claimed by an indigent person. The purpose of this policy is to provide for the burial of indigents, or the burial of an indigent person claimed by an indigent person, for reasons of public health and sensibilities.

157.02 APPLICATION OF POLICY.

(a) Unclaimed: When the body of a dead person is found within the Village and such person was not an inmate of a correctional, benevolent, or charitable institution of this State; and the body is not claimed by any person for private interment or cremation at the person's own expense; or delivered for the purpose of medical or surgical study or dissection in accordance with ORC 1713.34, the Village shall be liable for the cremation and inurnment expenses, in the amounts set forth herein, if:

- (1) The deceased is determined to be an indigent person; and
- (2) The person was a legal resident of the Village of Genoa at the time of death.

(b) Claimed: When the body is claimed by an indigent person simply as that of a loved one, without undertaking to arrange and pay for private interment, the Village shall be liable for the cremation and inurnment expenses, in the amounts set forth herein, if:

- (1) The deceased is determined to be an indigent person; and
- (2) The person was a legal resident of the Village of Genoa at the time of death; and
- (3) The claimant is determined to be an indigent person.

157.03 ADMINISTRATION.

The Village Administrator is hereby appointed as the proper officer of the Village, in accordance with ORC 9.15, to be responsible for the administration of this indigent cremation / burial policy. If the next-of-kin of the deceased are not available or are unknown, the Village Administrator shall have the authority to sign all documents necessary for the cremation.

157.04 DETERMINING INDIGENCE.

(a) Determination: Prior to the cremation authorization, the Village Administrator shall make reasonable attempt to determine whether the deceased person is in fact indigent and, where the deceased person is claimed by an indigent person, whether the claimant is in fact indigent.

(b) Definitions:

- (1) "Indigent decedent" means a person who dies without leaving an ascertainable estate sufficient to pay part or all of the person's burial expenses and whose burial expenses are not payable by the State or County Veteran's Administration. The estate of the decedent shall include, but is not limited to, the ready availability of real or personal property owned; employment benefits; pensions; annuities; social security; unemployment compensation; inheritances; number and age of dependents; outstanding debts, obligations and liabilities; and any other relevant considerations concerning the financial condition of the individual.
- (2) (e) The term "indigent claimant" encompasses individuals who are poor, needy, destitute, or in poverty. The criteria for determining whether an individual is indigent include the ready availability of real or personal property owned; employment benefits; pensions; annuities; social security; unemployment compensation; inheritances; number and age of dependents; outstanding debts, obligations and liabilities; and any other relevant considerations concerning the financial condition of the individual.

157.05 DETERMINING LEGAL RESIDENCY.

(a) Determination: Prior to the cremation authorization, the Village Administrator shall make reasonable attempt to determine whether the deceased person was a legal resident of the Village.

(b) Definitions: "Legal Residency" means a physical presence in a particular location, coupled with the present intent to make that place a permanent residence for a period of time.

(c) Nursing Homes: In cases where the decedent was living in a nursing home or hospital located within the Village, legal residence shall mean an intent to make the nursing home or hospital a permanent residence.

157.06 POLICY.

(a) Authorization: Upon finding that the deceased was a legal resident of the Village and an indigent person, and where the deceased person is claimed by an indigent person, that the claimant is indigent, the Village Administrator shall authorize the funeral director or other party to cremate the decedent.

(b) Cost of Cremation: The Village shall dispose of the remains of indigent persons by cremation only. The Village shall pay a maximum of seven hundred fifty dollars (\$750.00) for the cremation and inurnment of the remains of the deceased. Said services shall include transportation of the deceased to the funeral home, necessary supplies and procedures, and provide a temporary

urn for the storage of the deceased's cremated remains. The Finance Director is hereby authorized to pay such expenses, upon certification from the Village Administrator and receipt of an invoice or bill from the funeral director.

(c) Release to Family: The cremated remains of the deceased may be released to the decedent's family.

(d) Burial for Unclaimed Remains: If the cremated remains are not claimed, the Village shall cause the remains to be buried, and the Finance Director is hereby authorized to pay such expenses, upon certification from the Village Administrator and receipt of an invoice or bill for the burial. The Village shall also provide at the grave of the person's cremated remains, if such remains are buried, a stone or concrete marker on which the person's name and age, if known, and date of death shall be inscribed.

157.07 LIMITATIONS.

(a) No Payment for Funeral Expenses: If the body of an indigent person is claimed by relatives or friends who arrange for the funeral according to their wishes, the Village shall not pay all or any part of the expenses for the same.

(b) Not Supplemental: The Village's Indigent Cremation / Burial Policy is not supplemental. The funeral director or funeral home personnel shall not ask for nor accept any funds above the amounts set forth herein. Upon completion of the cremation, the funeral director shall submit an itemized bill to the Village Administrator containing the following information:

- (1) Name and age of the deceased;
- (2) Place of burial;
- (3) Services performed;
- (4) Total costs of services;
- (5) Amount received from other sources; and
- (6) Amount due from the Village.

(c) Refund by Funeral Director when Funds are Otherwise Received: The funeral director or funeral home shall reduce the cost to the Village by the amount of funds received from any other source. If additional funds are paid to the funeral director or funeral home after the Village has paid as herein provided, the Village shall be refunded the exact amount of the additional funds paid to the funeral director or funeral home within thirty (30) days of the receipt thereof. The funeral director shall submit a notarized statement to the Village Administrator indicating his understanding and compliance with the provisions of this Policy.

(d) Reimbursement for Expenses: In the event that it is found after the cremation of the deceased and payment of the cremation and/or burial expenses by the Village, that such indigent decedent and/or indigent claimant had means, assets, insurance or other benefits or allowances available for the payment of all or part of such expenses, such proceedings may be taken to recover such costs and expenses as may be authorized by law.

