

ORDINANCE NO. O-17-22

AMENDING CHAPTER 937 OF THE CODIFIED ORDINANCES OF THE CITY OF WILMINGTON, OHIO, RELATIVE TO THE INDIGENT BURIAL POLICY, REPEALING ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH

WHEREAS, Section 9.15 of the Ohio Revised Code places upon the City the responsibility of burying or cremating a deceased indigent person found within the City whose body is not claimed for private interment or cremation; and

WHEREAS, Section 9.15 also places upon the City the responsibility of burying or cremating a deceased person when the body is claimed simply as a loved one by an indigent person; and

WHEREAS, Council finds it to be in the best interest of the health, safety and welfare of the residents of the City of Wilmington to establish a policy for indigent burials.

NOW THEREFORE, be it ordained by the Council of the City of Wilmington, State of Ohio:

Section 1. That Chapter 937, Indigent Burials is hereby amended to the Codified Ordinances of the City of Wilmington as follows:

**CHAPTER 937
Indigent Burial Policy**

- 937.01 Purpose.
- 937.02 Application of Policy.
- 937.03 Administration.
- 937.04 Determining indigence.
- 937.05 Determining Legal Residency.
- 937.06 Policy.
- 937.07 Limitations.

937.01 PURPOSE.

This Indigent Burial Policy is enacted to comply with the provisions of ORC 9.15 pertaining to the burial of indigent persons found within the City 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.

937.02 APPLICATION OF POLICY.

- A. Unclaimed: When the body of a dead person is found within the City 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 City 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 City of Wilmington 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 City 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 City of Wilmington at the time of death; and
 - (3) The claimant is determined to be an indigent person.

937.03 ADMINISTRATION

The ~~Mayer~~ **Director of Public Service** or designee hereby is appointed as the proper office of the City, in accordance with ORC 9.15, to be held responsible for the

administration of this indigent burial policy. If the next-of-kin of the deceased are not available or unknown, the ~~Mayer~~ **Director of Public Service** or designee shall have the authority to sign all documents necessary for the cremation.

937.04 DETERMINING INDIGENCE.

A. Determination: Prior to the cremation authorization, the ~~Mayer of~~ **Director of Public Service** or designee 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. The term "indigent claimant" encompasses individuals who are poor, needy, destitute, or in poverty. The criteria for determining whether an individual is indigent includes 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.

937.05 DETERMINING LEGAL RESIDENCY.

A. Determination: Prior to the cremation authorization, the ~~City~~ **Director of Public Service** shall make reasonable attempt to determine whether the deceased person was a legal resident of the City.

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 City, legal residence shall mean an intent to make the nursing home or hospital a permanent residence.

937.06 POLICY

A. Authorization: Upon finding that the deceased was a legal resident of the City and an indigent person, and where the deceased person is claimed by an indigent person, that the claimant is indigent, the ~~Mayer~~ **Director of Public Service** or designee shall authorize the funeral director or other party to cremate the decedent.

B. Cost of Cremation: The City shall dispose of the remains of indigent persons by cremation only. The City shall pay a maximum of \$750.00 (seven hundred fifty dollars) 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 City of Wilmington is hereby authorized to pay such expenses, upon certification from the funeral director 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 ~~City~~ **Director of Public Service** shall cause the remains to be buried, and the City of Wilmington is hereby authorized to pay such expenses, upon certification from the funeral director and receipt of an invoice or bill for the burial. The City shall also provide at the grave of the person's cremated remains, if such remains are buried, a metal marker on which the person's name and age, if known, and date of death shall be inscribed.

937.07 LIMITATIONS

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

B. Not Supplemental: The City's Indigent Burial Policy is not supplemental. The funeral director or funeral home personnel shall not ask for not accept any funds above the amounts set forth herein. Upon completion of the cremation, the funeral director shall submit an itemized bill to the City of Wilmington 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 City


C. Refund by Funeral Director when Funds are Otherwise Received: The funeral director or funeral home shall reduce the cost to the City by the amount of funds received from any other source. If additional funds are paid to the funeral director or funeral home after the City has paid as herein provided, the City 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 City of Wilmington ~~Mayor's Office~~ **Director of Public Service** 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 City, 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.

Section 2. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.

Section 3. That this ordinance shall be in full force and effect at the earliest period allowed by law.

Passed this 4th day of May, 2017.



President of Council

ATTEST:



Clerk of Council

Approved by me this 4th day of May, 2017.



Mayor