

PASSED 2/21/17

ORDINANCE NO. 3 - 2017

AN ORDINANCE ENACTING AN INDIGENT BURIAL POLICY
IN THE VILLAGE OF OAK HARBOR PURSUANT TO OHIO REVISED CODE §9.15

WHEREAS, the Village does not currently have an ordinance or policy addressing burial policy for indigents who die within the Village; and

WHEREAS, the Village desires to enact a policy for the burial of indigents who die in the Village in accordance with Ohio Revised Code §9.15.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF OAK HARBOR, OTTAWA COUNTY, OHIO:

Section 1.

The following Chapter 40 shall be adopted as set forth in Exhibit A.

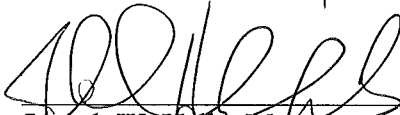
Section 2.

This Council hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this Council, and that all deliberations of Council, and of its committees, which result in formal action, were taken in full compliance with the applicable legal requirements.

Section 3.

That this Ordinance shall take effect and be in full force and effect after the earliest date allowed by law.

Approved: February 21, 2017


Joseph W. Helle, Mayor

Attest:


Henry R. Jarrett, Fiscal Officer

Dated: February 21, 2017
First Reading: February 21, 2017
Second Reading: March 6, 2017
Third Reading: March 20, 2017
Adopted: February 21, 2017

VILLAGE OF OAK HARBOR, OHIO

CHAPTER 40: Indigent Burial Policy

Section

40.01	Purpose
40.02	Application of Policy
40.03	Administration
40.04	Determining Indigence
40.05	Determining Legal Residency
40.06	Policy
40.07	Limitations

Cross References
Burial of an Unclaimed Body
ORC 9.15

40.01 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 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.

40.02 APPLICATION OF THE 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 the 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 interment 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 Oak Harbor at the time of death; or
- (3) The person was not a resident of the Village of Oak Harbor, but transient in nature and all measures of notification of next of kin have been exhausted.

(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 interment 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 Oak Harbor at the time of death; or
- (3) The person was not a resident of the Village of Oak Harbor, but transient in nature and all measures of notification of next of kin have been exhausted;
- (4) The claimant is determined to be an indigent person.

40.03 ADMINISTRATION

(A) 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 burial policy. If the next-of-kin of the deceased are not available or unknown, the Village Administrator shall have the authority to sign all documents necessary for the cremation, interment or other required documents.

40.04 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 decedent.

(2) 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.

(3) In either case, "Indigent Claimant" or "Indigent Decedent" means a person whose income does not exceed one hundred fifty per cent of the federal poverty line, as revised annually by the United States department of health and human services in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the person's family

40.05 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 or an indigent in transit.

(B) "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) "Indigent in Transit" means the deceased was in transit inside the corporation limits of the Village of Oak Harbor at the time of death and all means have been exhausted to notify next-of-kin.

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

40.06 POLICY

(A) Authorization: Upon finding that the deceased was a legal resident of the Village or in transit and to be of indigent nature, 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. Said services shall include transportation of the deceased to the funeral home, necessary supplies and procedures, and a financially reasonable urn stating the decedents name, date of birth and date of death for the storage of the deceased's cremated remains. The Fiscal Officer 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 the 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 placed into the Village owned crypt at the Oak Harbor Memorial. The Fiscal Officer is hereby authorized to pay such expenses, upon certification from the Village Administrator and receipt of an invoice or bill for

the interment. The Village shall also cause the name of the deceased and dates to be inscribed onto the face of the village owned crypt.

(E) Local Funeral Services: It is of the intention of the Village Administrator to use services of current local funeral homes that exist at the time of this Ordinance. The Village will use the services of Crosser Funeral Homes Incorporated in even numbered years and the services of Robinson-Walker Funeral Homes and Crematory in odd numbered years until such time as circumstances render this procedure no longer feasible.

40.07 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 Burial Policy is not supplemental. The local funeral directors and the Village should come to a mutually agreed price for a specific period of time and shall be updated annually or for a contract time period. The funeral director shall submit an itemized bill to the Village Administrator containing the following information:

- (1) Name and age of the deceased;
- (2) Cost of Urn;
- (3) Etching cost;
- (4) Services performed;
- (5) Total costs of services;
- (6) Amount received from other sources; and
- (7) 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.

(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.