

**ORDINANCE NO. 2017-10**

**AN ORDINANCE ENACTING REGULATIONS FOR INDIGENT BURIAL IN THE CITY OF PARMA HEIGHTS PURSUANT TO SECTION 9.15 OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY.**

**WHEREAS**, Section 9.15 of the Ohio Revised Code provides that when a deceased body is found in a municipal corporation and the body is not claimed by anyone or is claimed by someone who is indigent, then the municipality shall cause the deceased body to be buried or cremated at its expense; and

**WHEREAS**, the City has no regulations regarding the application of Section 9.15 of the Ohio Revised Code; and

**WHEREAS**, it is the desire of this Administration and Council to provide regulations for the application of Section 9.15 of the Ohio Revised Code in the City of Parma Heights.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Parma Heights, County of Cuyahoga and State of Ohio:

Section 1. The Council adopts the regulations as contained in Exhibit "A", attached hereto and made a part hereof, regarding the burial or cremation of a deceased indigent person.

Section 2. This Council finds and determines that all formal action of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of the Council and of any of its Committees comprised of a majority of the members of the Council that resulted in those formal actions were in meetings open to the public, in compliance with the law.

Section 3. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health safety and welfare of the City and for the further reason it is necessary for the City to provide for the burial or cremation of a deceased indigent person; wherefore, this ordinance shall go into effect immediately after its passage by Council and approval by the Mayor.

PASSED: 5-8-2017

  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST: Florence A. Bohden

5-8-2017  
\_\_\_\_\_  
APPROVED

FILED WITH  
THE MAYOR: 5-8-2017

  
\_\_\_\_\_  
MAYOR

## **Indigent Burial Policy**

This Indigent Burial Policy complies 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 [1] private interment or [2] cremation at the person's own expense, or [3] 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.

“Indigent person” 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. [See attached]. This information will be verified by the Finance Director.

### 1. Application of the 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 Parma Heights 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, if:

(1) The deceased is determined to be an indigent person; and

(2) The person was a legal resident of the City of Parma Heights at the time of death; and

(3) The claimant is determined to be an indigent person.

### 2. Administration.

The Mayor, or designee is appointed as the proper officer of the City, 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 are unknown, the Mayor, or designee shall have the authority to sign all documents necessary for the cremation.

### 3. Determining Indigence.

(a) Determination: Prior to the cremation authorization, the Mayor 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 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.

### 4. Determining Legal Residency.

(a) Determination: Prior to the cremation authorization, the Mayor, or designee 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.

### 5. 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 Mayor, 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 Finance Director is authorized to pay such expenses, upon certification from the Mayor, or designee 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 shall cause the remains to be buried, and the Finance Director is authorized to pay such expenses, upon certification from the Mayor, or designee 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 stone or concrete marker on which the person's name and age, if known, and date of death shall be inscribed.

## 6. 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 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 nor accept any funds above the city payment. Upon completion of the cremation, the funeral director shall submit an itemized bill to the Law Department 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) **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.