

ORDINANCE NO. 2021 – 8

AN ORDINANCE ENACTING NEW CHAPTER 964 INDIGENT BURIAL 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, on May 8, 2017 this Council passed Ordinance No. 2017 – 10 enacting regulations for indigent burial pursuant to Section 9.15 of the Ohio Revised Code; and

WHEREAS, based upon the recommendation of the Law Department it is the desire of the Administration and Council to enact new Chapter 964 of the Codified Ordinances to provide codify 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 enacts Chapter 964 of the Codified Ordinances, as contained in Exhibit "A", attached hereto and made a par hereof, regarding the burial or cremation of a deceased indigent person.

Section 2. Ordinance 2017 – 10 and the regulations it adopted is repealed effective immediately upon passage and the effective date of this Ordinance.

Section 3. 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 4. 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 the Mayor.

PASSED: 2-22-2021



PRESIDENT OF COUNCIL

ATTEST: Florence A. Bordan

2-22-2021

APPROVED

FILED WITH
THE MAYOR: 2-22-2021



MAYOR

CHAPTER 964

Indigent Burial

964.01 Definitions.

964.02 Indigent burial policy; application.

964.03 Administration.

964.04 Determination of indigence.

964.05 Disposition of indigent decedent's remains.

964.06 Limitations.

964.01 DEFINITIONS.

As used in this chapter:

(a) "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.

(b) "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.

(c) "Legal residency" means a physical presence in a particular location, coupled with the then present intent to make that place a permanent residence for a period of time. In cases where the decedent was living in a nursing home or hospital located within the City, legal residency shall mean intent to make the nursing home or hospital a permanent residence.

964.02 INDIGENT BURIAL POLICY; APPLICATION.

(a) This indigent burial policy is enacted to comply with the provisions of Ohio R.C. 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.

(b) When the body of a deceased person is found, within or outside of the City, and such person was not an inmate of a correctional, benevolent, or charitable institution of this State and the body

is either not claimed by any person for private interment or cremation at the person's own expense or not delivered for the purpose of medical or surgical study or dissection in accordance with Ohio law, the City shall be liable for the cremation and interment expenses, in the amounts set forth herein, if:

- (1) The deceased person 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.

(c) 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 or interment expenses, in the amounts set forth herein, if:

- (1) The deceased person 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.

964.03 ADMINISTRATION.

The Mayor, or his designee, is appointed as the officer of the City, in accordance with Ohio R.C. 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.

964.04 DETERMINATION OF INDIGENCE.

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, 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.

964.05 DISPOSITION OF INDIGENT DECEDENT'S REMAINS.

Upon finding that the deceased was a legal resident of the City and an indigent person, and where the deceased indigent 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. The City shall dispose of the remains of indigent persons by cremation only. The City shall pay a maximum of seven hundred and twenty dollars (\$725.00) for the cremation and interment 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 Director of Finance is authorized to pay such expenses, upon certification from the Mayor, or designee and receipt of an invoice or bill from the funeral director or other person.

The cremated remains of the deceased may be released to the decedent's family. If the cremated remains are not claimed, the City may cause the remains to be buried or otherwise disposed of as permitted in Ohio law and the Director of Finance is authorized to pay such expenses, upon

certification by 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 marker or concrete marker on which the person's name and age, if known, and date of death shall be inscribed.

964.06 LIMITATIONS.

(a) 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) The City's Indigent Burial Policy is not supplemental. No person, including the funeral director or funeral home personnel, shall seek or 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 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) 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 Mayor, or designee, indicating his understanding and compliance with the provisions of this Policy.

(d) 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.