

ORDINANCE NO.: 20-1179

**ENACTING TITLE ELEVEN/CHAPTER 201 - INDIGENT BURIAL, OF THE
CODIFIED ORDINANCES OF THE VILLAGE OF RUSSELLS POINT, OHIO TO
PROVIDE FOR THE DISPOSITION OF INDIGENT RESIDENTS**

WHEREAS, pursuant to Ohio Revised Code § 9.15 the Village of Russells Point, Ohio when the body of a deceased person ("Decedent") is found within the Village limits of Russells Point and the Decedent qualifies as indigent, the Village is responsible for providing the burial and/or cremation of the Decedent under certain circumstances.

WHEREAS, the Village hereby establishes certain procedures, responsibilities, and financial assistance for indigent disposition, as applicable under Ohio Revised Code §9.15.

NOW, **THEREFORE, BE IT ORDAINED** BY THE COUNCIL OF THE VILLAGE OF RUSSELLS POINT, LOGAN COUNTY, OHIO THAT:

Section 1. The Codified Ordinances of the Village of Russells Point, specifically Title Eleven/Chapter 201, is hereby newly enacted as set forth on the attached Exhibit A.

Section 2. All ordinances or parts of ordinances that conflict with this ordinance are hereby repealed.

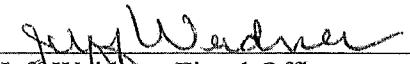
Section 3. It is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Ohio Revised Code §121.22 and the Rules of Council.

Section 4. This Ordinance shall, therefore, be in force and take effect at the earliest period allowed by law.

Passed in Council this 2nd day of March, 2020.




Robin Reames, Mayor

ATTEST: 

Jeff Weidner, Fiscal Officer

APPROVED:

Approved as to form this 3rd day of March 2020.



Lynnette Dinkler, Esq.
Village Solicitor

NEWLY ENACTED
Passed: March 2, 2020

CHAPTER 201
Indigent Burial Policy

- 201.01 Purpose.
- 201.02 Application of policy.
- 201.03 Administration.
- 201.04 Determining indigence.
- 201.05 Determining legal residency.
- 201.06 Policy.
- 201.07 Limitations.

CROSS REFERENCES

Burial or cremation of body at expense of township or Municipal Corporation – see Ohio R.C. 9.15

201.01 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.

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

201.03 ADMINISTRATION.

The Assistant to the Mayor 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 are unknown, the Assistant to the Mayor shall have the authority to sign all documents necessary for the cremation.

201.04 DETERMINING INDIGENCE.

- (a) Determination: Prior to the cremation authorization, the Assistant to the Mayor 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) "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.
- (c) "Indigent claimant" means a person whose income does not exceed one hundred fifty percent (150%) 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 USC 9902, as amended, for a family size equal to the size of the claimant's family.

201.05 DETERMINING LEGAL RESIDENCY.

- (a) Determination: Prior to the cremation authorization, the Assistant to the Mayor shall make reasonable attempt to determine whether the deceased person was a legal resident of the Village.
- (b) Definitions: "Legal residence" means a permanent place of abode used or occupied as living quarters at the time of a person's death, including a nursing home, hospital or other care facility.

201.06 POLICY.

- (a) Authorization: Upon finding that the deceased was a legal resident of the Village and indigent whose body is not claimed by any person, or where the deceased was a legal resident of the Village and indigent and the body is claimed by an indigent person, the Assistant to the Mayor shall authorize the funeral director or other party to cremate the decedent. Where any religious specifications and requirements are expressed through the application process, the Village will communicate those religious specifications and requirements to the Funeral Home.
- (b) Cost of Cremation: The Village shall dispose of the remains of indigent persons by cremation only, unless religious specifications and requirements are expressed through the application process. 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 Fiscal Officer is hereby authorized to pay such expenses, upon certification from the Assistant to the Mayor 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 Fiscal Officer is hereby authorized to pay such expenses, upon certification from the Assistant to the Mayor 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.

201.07 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 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 Assistant to the Mayor 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 Assistant to the Mayor 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.