

RECORD OF ORDINANCES

Ordinance No.: 2021-47

Passed: July 20, 2021

AN ORDINANCE TO ESTABLISH THE VILLAGE OF WEST LAFAYETTE POLICY FOR THE BURIAL OF UNCLAIMED OR INDIGENT BODIES AT THE EXPENSE OF THE VILLAGE, AND DECLARING AN EMERGENCY

WHEREAS; the Village of West Lafayette (herein after referred to as "the Village") will pay for cremation of any unclaimed or indigent person, who at the time of death was a legal resident of the Village, in accordance with the Ohio Revised Code Section 9.15. Prior to the authorization of cremation, the Village or his or her authorized designee, shall make reasonable attempt to determine whether the deceased person was a legal resident of the Village. As used herein, "legal residency" means a physical presence in a particular location, coupled with the choice to make that place home, or the place with which a person is most intimately connected.

Purpose: This indigent burial policy is enacted to comply with the provisions of Ohio Revised Code 9.15 for reasons of public health, safety, and welfare and sensibilities pertaining to: (i) 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 (ii) cremation and inurnment when the body of an indigent person is claimed by an indigent person.

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 Ohio Revised Code 1713.34, then the Village shall be liable for the cremation and interment expenses, in the amounts set forth herein, if:

- a.) The deceased is determined to be an indigent person; and
- b.) The person was a legal resident of the Village at the time of death.

Claimed: When the body of a dead person 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:

- a.) The deceased is determined to be an indigent person; and
- b.) The deceased was a legal resident of the Village at the time of death; and
- c.) The claimant is determined to be an indigent person.

Pursuant to the Ohio Revised Code Section 517.06 and Section 9.15, the Village shall provide a grave, a grave marker, and the opening and closing for burial of the

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cremation remains of any unclaimed or indigent person who was at the time of death a legal resident of the Village. The Village shall not pay for any other costs associated with embalming, funeral, transportation, services of any kind, visitation charges, etc.

Policy: Upon finding that the deceased was a legal resident of the Village and after verifying indigency of the decedent and the claimant of the decedent's body, if any, as described herein, the Village or his or her designee, shall authorize the funeral director to cremate the decedent. The Village shall dispose of the remains of indigent persons by cremation only. The Village will choose the funeral home to conduct the cremation and will enter into an agreement with said funeral home for a specific price for the cremation and inurnment or internment of the remains of the deceased. The cremated remains of the deceased may be released to the decedent's family or loved ones.

An indigent person claiming the body of an indigent decedent may not make independent funeral arrangements and have the bill submitted to the Village. Should this occur, the Village is not liable for costs under these circumstances. The Village shall set aside a section of cemeteries where unclaimed indigent persons may be buried. If the cremated remains are not claimed, the Village shall cause the cremains to be buried. The Village shall also provide at the grave of the person's cremated remains, if such remains are buried, a metal, stone, or concrete marker on which the person's name and age, if known, and date of death shall be inscribed.

Determining Indigence: Prior to the cremation authorization, the Village or his or her 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.

Definitions: Ohio Revised Code 9.15 defines an "indigent person" as someone whose income does not exceed 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", as amended for a family size equal to the size of the person's family.

a. "Indigent decedent": A deceased person whose body is found in the Village and who was a legal resident of the Village at the time of death, and the 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 Section 1713.34 of the Ohio Revised Code, and the person is determined to be indigent as described herein. The criteria used to evaluate indigency status shall include, but is not limited to, the income components as defined by the most recent version of the United States Census Bureau and any other relevant considerations concerning

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the financial condition of the individual, including but not limited to, fundraising revenue and/or insurance intended for funeral, cremation, and/or burial expenses. Once the income information described herein has been verified, then the most recent version of the United States Department of Health and Human Services Poverty Guideline Publication will be used to determine whether the person's income does or does not exceed 150% of the federal poverty line. In determining indigency, the wages or salary income earned by dependent minors under 18 years of age shall not be considered.

b. "Indigent claimant": A person who claims the body of an indigent decedent and also claims he or she is indigent. The criteria used to evaluate indigency status shall include, but is not limited to, the income components as defined by the most recent version of the United States Census Bureau and any other relevant considerations concerning the financial condition of the individual, including but not limited to, fundraising revenue and/or insurance intended for funeral, cremation, and/or burial expenses. Once the income information described herein has been verified, then the most recent version of the United States Department of Health and Human Services Poverty Guideline Publication will be used to determine whether the person's income does or does not exceed 150% of the federal poverty line. In determining indigency, the wages or salary income earned by dependent minors under 18 years of age shall not be considered.

WHEREAS; Ohio Revised Code Section 1713.34 and 9.15 indicate that the Village of West Lafayette may deliver the body to a college or the Board of Embalmers and Funeral Directors in lieu of burial or cremation. The Village Trustees reserve the right to donate a deceased person's body for this purpose. If an indigent is a veteran, the Village may contact family or friends and assist them in applying to the county for an appropriate burial or cremation in accordance with Revised Code Sections 5901.25 to 5901.32.

The Village requires a completed, notarized, application by the deceased's representative and a funeral home representative.

The Village may seek bids for the cost of cremation from more than one funeral home. The Village may select the funeral home that will provide the cremation service.

NOW, THEREFORE, BE IT ORDAINED as follows by the Council for the Village of West Lafayette, Ohio:

SECTION I: Council does hereby approve the Policy for the Burial of Unclaimed or Indigent Bodies at the Expense of the Village.

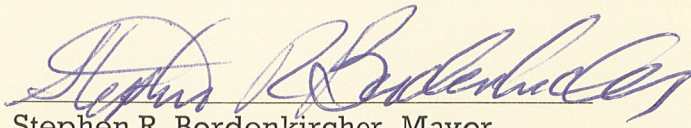
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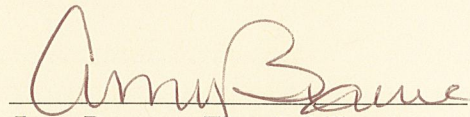
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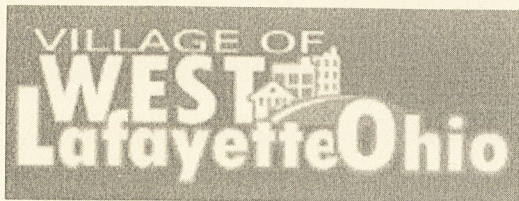
SECTION II: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety, and welfare. The reason for such necessity is that the Village of West Lafayette does not currently have an established process for the disposition of remains of persons determined to be indigent. Therefore, this Ordinance shall go into retroactive effect to July 1st, 2021 immediately upon passage by Council and receiving the signature of the Mayor.

PASSED IN COUNCIL THIS 26 DAY OF July 2021.


Stephen R. Bordenkircher, Mayor

ATTEST:


Amy Bourne, Fiscal Officer



Christopher Menapace
Village Administrator
113 East Railroad Street
West Lafayette, Ohio 43845
740-545-5434

villageadministrator@westlafayettevillage.com

APPLICATION FOR INDIGENT BURIAL FUNDS

Certain information contained within this application is a matter of public record subject to disclosure.
Any false statement made or given in this application may result in denial of payment.

DECEDENT/INDIGENT PERSON INFORMATION

Full Name of

Decedent _____ DOB: _____

Last Known

Address _____

Street

City

Zip

APPLICANT INFORMATION

Full Name _____

Relationship to Decedent _____

Address _____

Street

City

Zip

Phone Number _____ Email Address _____

Please provide proof of indigence (i.e. prior year tax return, bank statements, pension plan statements, social security statements, etc.):

WHO CLAIMED THE BODY?

Full Name _____

Address _____

Street

City

Zip

Will the body of the decedent be delivered for the purpose of medical or surgical study or dissection in accordance with Section 1713.34 of the Ohio Revised Code? _____

At the time of death, was the decedent a resident of the Village of West Lafayette, Ohio? _____
If yes, please provide proof of residency (i.e., Driver's License, Utility Bill, etc.):

Was the decedent receiving Social Security benefits at the time of death? _____ If yes, please list amount: _____

Did the decedent have a life insurance policy? ____ If yes, provide the following information:
1) name of insurance company; 2) face amount of policy; 3) cash surrender value of policy:

Did the decedent person have a Last Will & Testament? _____ If yes, please provide a copy:

Did the decedent participate in a pre-paid burial fund? _____ If yes, with whom? _____

Did the decedent or does the spouse of the decedent own real estate or personal property, (i.e., car(s) furniture, appliances, etc.)? _____ If yes, please list: _____

Did the decedent have a checking and/or savings account at the time of death or within the last twelve (12) months prior to death? _____ If yes, please list financial institution(s):

Did the spouse of the decedent have a checking and/or savings account within the last twelve (12) months prior to this application? ____ If yes, please list financial institution(s):

Will you or the family of the decedent be receiving benefits or donations from friends, family, co-workers, neighboring business, non-profit organizations or any other burial funds? _____

If yes, please list all sources: _____

You must include a certified death certificate of the decedent and a copy of the obituary, if any, along with this application.

STATE OF OHIO, COUNTY OF COSHOCTON:

_____, being duly sworn, deposes and states.

Applicant Name -- Print

he/she is the individual making the foregoing application; and that the answers to the foregoing questions and other statements contained herein are true to the best of his/her knowledge.

Applicant Signature

Sworn to before me and subscribe in my present this ____ day of _____, 20____.

Notary Public

Return completed application to: Village Administrator Christopher Menapace
PO Box 175
113 East Railroad Street
West Lafayette, Ohio 43845