

# CITY OF CLAYTON, OHIO

## ORDINANCE NO. O – 03 – 17 - 05

### AN ORDINANCE ADDING A NEW SECTION 931.04 ENTITLED, “INDIGENT BURIALS” TO THE CLAYTON CODIFIED ORDINANCES ADOPTING AN INDIGENT BURIAL POLICY

WHEREAS, City staff has reviewed the Clayton Codified Ordinances and recommended an addition thereto in the form of a new Section 931.04 entitled, “*Indigent Burials*” in order to address the issue of burial of indigent Clayton residents and to enact an indigent burial policy consistent with Ohio Revised Code Section 9.15; and

WHEREAS, Council desires to add a new Section 931.04 entitled, “*Indigent Burials*” to the Codified Ordinances of the City as recommended by staff to better protect the health, safety, and welfare of the citizens of Clayton.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:**

1. That the Clayton Codified Ordinances are hereby amended to add a new Section 931.04 entitled, “*Indigent Burials*” (additions are in **bold**):

#### **931.04 INDIGENT BURIALS.**

- (a) **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 City 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.
- (b) **Application.**
  - (1) **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 Ohio Revised Code 1713.34, then the City 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 City of Clayton at the time of death.

(2) **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 City 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 person was a legal resident of the City of Clayton at the time of death; and
- c. The claimant is determined to be an indigent person.

(c) **Administration**. The City Manager or his or her designee is appointed as the proper officer of the City, in accordance with Ohio Revised Code 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 City Manager or his or her designee, shall have the authority to sign all documents necessary for cremation and inurnment or interment expenses.

(d) **Determining Indigence**. Prior to the cremation authorization, the City Manager 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.

(1) **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 City and who was a legal resident of the City 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 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.
- (e) **Determining Legal Residency.** Prior to the authorization of cremation, the City Manager or his or her authorized designee, shall make reasonable attempt to determine whether the deceased person was a legal resident of the City. 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.
- (f) **Policy.** Upon finding that the deceased was a legal resident of the City and after verifying indigency of the decedent and the claimant of the decedent’s body, if any, as described herein, the City Manager or his or her designee, shall authorize the funeral director to cremate the decedent. The City shall dispose of the remains of indigent persons by cremation only. The City 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 interment 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 City. Should this occur, the City is not liable for costs under these circumstances.

The City shall set aside a section of the Municipal cemeteries where unclaimed indigent persons may be buried. If the cremated remains are not claimed, the City shall cause the cremains to be buried. The City 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.

**CROSS REFERENCE: Burial or Cremation of Body at Subdivision’s Expense – ORC 9.15**

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2. That this Ordinance shall be effective as an exception to any ordinance, resolution or other legislation of the City of Clayton, Ohio, inconsistent with this Ordinance or which imposes additional requirements for effectiveness or validity.
  3. That in accordance with Clayton Charter Section 4.031 the requirement that this enactment be read on two (2) separate days is complied with by readings on March 16, 2017 and April 20, 2017.
  4. That in accordance with Clayton Charter Section 4.031(H) this enactment shall become effective thirty days after its second reading and enactment.

ADOPTED BY COUNCIL ON APRIL 20, 2017.

AUTHENTICATION:

  
\_\_\_\_\_  
Mayor (Presiding Officer of Council)

  
\_\_\_\_\_  
Clerk of Council

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Law Director

CERTIFICATION OF PUBLICATION

This shall certify that that the text of the above referenced enactment or a summary thereof was published once in the following newspaper and a summary posted in three places of public access as designated by Council.

Name of newspaper                      Date of publication  
Englewood Independent      April 27, 2017

  
\_\_\_\_\_  
CLERK

Ref.: Clayton Charter Section 4.031 and 4.031(H)

**City of Clayton**  
6996 Taywood Road  
Englewood, OH  
45322  
(937)836-53500

**INDIGENT DISPOSITION AGREEMENT**

This **INDIGENT DISPOSITION AGREEMENT** ("Agreement") is made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by and between the City of Clayton, Ohio, ("City of Clayton") located at 6996 Taywood Road, Englewood, Ohio 45322 and \_\_\_\_\_ ("Funeral Home") located at \_\_\_\_\_, Ohio.

**WHEREAS**, the City of Clayton and the Funeral Home ("Parties") desire to enter into this Agreement by which the Funeral Home shall provide cremation for the decedent pursuant to the Ohio Revised Code Section 9.15 and the Codified Ordinances of the City of Clayton Section 931.04.

**NOW, THEREFORE**, for and in consideration of the mutual promises hereinafter set forth, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

The City of Clayton shall pay Funeral Home \$ \_\_\_\_\_ in consideration of Funeral Home providing professional cremation and interment or inurnment of cremains services for \_\_\_\_\_, deceased, who has been identified as an indigent resident of the City of Clayton. Such services shall be in accordance with all applicable provisions of State and local laws, rules and regulations and the Codified Ordinances of the City of Clayton.

Payment for the services is conditioned upon the City of Clayton's receipt of a properly executed Affidavit of Funeral Home Director, a copy of which is attached as Exhibit "A" and, verification by the City of Clayton that the decedent was indigent at the time of death and, if applicable, the person claiming the body of the decedent is indigent, an invoice, death certification, cremation certificate, and proof of legal residency in the City of Clayton (of the deceased). In the event at any time it is determined by the City of Clayton that the decedent and, if applicable, the claimant of the decedent's body was not indigent, that the decedent was not a legal resident of the City of Clayton upon death, or the Funeral Home, its agents or employees, received any form of compensation for professional services provided to or on behalf of the decedent, this agreement shall terminate and Funeral Home shall be liable to the City of Clayton for reimbursement in full for any payment Funeral Home has received per this agreement.

The decedent's cremains shall, at the sole direction of the City of Clayton, be returned to the next of kin or claimant of the decedent's body or buried as cremains in a cemetery chosen by the City of Clayton, in accordance with all applicable laws, rules and regulations.

**IN WITNESS HEREOF**, the Parties have caused this Indigent Disposition Agreement to be executed as of the date first written above.

**CITY OF CLAYTON**

**FUNERAL HOME: \_\_\_\_\_**

By: \_\_\_\_\_  
(Signature)

By: \_\_\_\_\_  
(Signature)

Print Name: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_



## Exhibit A

### INDIGENT DISPOSITION AGREEMENT AFFIDAVIT OF FUNERAL HOME DIRECTOR

STATE OF OHIO                    )  
  )  
ss: COUNTY OF \_\_\_\_\_)

I, \_\_\_\_\_ (the "Affiant"), being duly sworn, do depose and state:

- 1) I am a duly licensed director of \_\_\_\_\_ ("Funeral Home") located at \_\_\_\_\_.
- 2) As the funeral director I am responsible for all aspects of the burial or cremation of the deceased including the funeral arrangements and the funeral rites.
- 3) This Affidavit of Funeral Director is provided in accordance with a certain Indigent Disposition Agreement of even date herewith for the burial or cremation of \_\_\_\_\_ (the "Decedent").
- 4) Neither the Affiant nor the Funeral Home has received, or been promised, any type of compensation for burial or cremation services associated with the Decedent.
- 5) To the best of Affiant's knowledge, Decedent died an indigent resident of the City of Clayton and qualifies for indigent burial or cremation pursuant to Ohio Revised Code: General Provisions 9.15 and the Codified Ordinances of the City of Clayton Section 931.04.
- 6) **AFFIANT CERTIFIES HE/SHE HAS READ AND UNDERSTANDS THE TRUTH AND COMPLETENESS OF THE STATEMENTS HEREIN AND UNDERSTANDS AND ACKNOWLEDGES THESE STATEMENTS ARE FOR THE EXPRESS PURPOSE OF INDUCING THE CITY OF CLAYTON TO PAY FOR INDIGENT DISPOSITION SERVICES PROVIDED BY THE FUNERAL HOME.**

Further Affiant sayeth naught.

\_\_\_\_\_  
(Signature)

Sworn to before me and subscribed in my presence this \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC



INDIGENT CREMATION APPLICATION  
City of Clayton Codified Ordinance 931.04 and ORC 9.15

APPLICANT INFORMATION:

First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Age: \_\_\_\_\_ *Please provide written documentation of age, such as a driver's license*

Size of Household: \_\_\_\_\_

Age(s) of Number in Household:

\_\_\_\_\_

INCOME DOCUMENTATION OF APPLICANT:

Household Income Source(s): *Please identify below all forms of income (see attached U.S. Census Bureau income list) currently received by each Household member identified above **excluding any Household member under the age of 18.** Attach to this application documentation of each such income source. Add additional pages if necessary.*

\_\_\_\_\_  
(Income Source) Monthly / yearly amount \$ \_\_\_\_\_  
(Circle One)

\_\_\_\_\_  
(Income Source) Monthly / yearly amount \$ \_\_\_\_\_  
(Circle One)

\_\_\_\_\_  
(Income Source) Monthly / yearly amount \$ \_\_\_\_\_  
(Circle One)

\_\_\_\_\_  
(Income Source) Monthly / yearly amount \$ \_\_\_\_\_  
(Circle One)

\_\_\_\_\_  
(Income Source) Monthly / yearly amount \$ \_\_\_\_\_  
(Circle One)

\_\_\_\_\_  
(Income Source) Monthly / yearly amount \$ \_\_\_\_\_  
(Circle One)

**INCOME DOCUMENTATION OF DECEDENT:**

*Please identify below all forms of income (see attached U.S. Census Bureau income list) of the Decedent. Attach to this application documentation of each such income source. Add additional pages if necessary.*

_____ (Income Source)	Monthly / yearly amount \$ _____ (Circle One)
_____ (Income Source)	Monthly / yearly amount \$ _____ (Circle One)
_____ (Income Source)	Monthly / yearly amount \$ _____ (Circle One)
_____ (Income Source)	Monthly / yearly amount \$ _____ (Circle One)
_____ (Income Source)	Monthly / yearly amount \$ _____ (Circle One)
_____ (Income Source)	Monthly / yearly amount \$ _____ (Circle One)

**I hereby acknowledge and certify that all information provided on this Application and all documentation provided in support of this Application are true and accurate to the best of my knowledge and belief.**

**I further acknowledge and understand the City of Clayton will determine indigency status of the Decedent and the Applicant and legal residency of the Decedent at the time of death in accordance with Clayton Codified Ordinance Section 931.04 and I will be advised of that determination once made. I further acknowledge and understand if I make private funeral arrangements and have the bill submitted to the City the City will not be responsible for payment of same. Lastly, I understand and acknowledge it is the policy of the City of Clayton to dispose of indigent persons by cremation only and the City of Clayton will choose the funeral home which will conduct the cremation.**

\_\_\_\_\_  
**Applicant Signature**

**Date:** \_\_\_\_\_, \_\_\_\_\_, 20\_\_\_\_

**FOR USE BY CITY OF CLAYTON ONLY:**

Application Received On: \_\_\_\_\_, \_\_\_\_\_, 20\_\_

Application Received By: \_\_\_\_\_ (Printed Name)

Documentation of Income Attached: YES NO (Circle One)

Approved: \_\_\_\_\_ Date: \_\_\_\_\_, \_\_\_\_\_, 20\_\_

Denied: \_\_\_\_\_ Date: \_\_\_\_\_, \_\_\_\_\_, 20\_\_

## HHS POVERTY GUIDELINES FOR 2017

The 2017 poverty guidelines are in effect as of January 26, 2017.  
See also the Federal Register notice of the 2017 poverty guidelines, published January 31, 2017

### 2017 POVERTY GUIDELINES FOR THE 48 CONTIGUOUS STATES AND THE DISTRICT OF COLUMBIA

PERSONS IN FAMILY/HOUSEHOLD	POVERTY GUIDELINE
1	\$12,060
2	\$16,240
3	\$20,420
4	\$24,600
5	\$28,780
6	\$32,960
7	\$37,140
8	\$41,320

For families/households with more than 8 persons, add \$4,180 for each additional person.


[www.census.gov/ans.html](http://www.census.gov/ans.html)

You are here: [Census.gov](#) > [People and Households](#) / [Census](#) > [Current Population Survey \(CPS\) Data Users](#) > [Data Requests](#) > [Income Definitions](#)

## Current Population Survey (CPS) Income Definitions

- **Poverty Status - Alternative and Household Income - Alternative** are currently available for 2005, 2006, 2007, 2008 and 2009. Note that 2009 data show poverty status and income based on the 2008 reference period; 2007 data show poverty status and income based on the 2007 reference period.
- For **Poverty Status - Alternative**, the income definition is applied to the family income.
- For **Household Income - Alternative**, the income definition is applied to the household income.
- The income format for **Household Income - Alternative** is the format selected in section 6, Customized Formatting.
- You may select the official income (Money Income), any of five alternatives, or you may customize your own definition from the 42 possible components of income.
- The 42 income components are (the number corresponds to the number shown in the table footnote when you customize your own income definition):
  1. Earnings (wages, salaries, and self-employment income)
  2. Interest income
  3. Dividend income
  4. Rents, royalties, estate, and trust income
  5. Non-government retirement pensions and annuities
  6. Non-government survivor pensions and annuities
  7. Non-government disability pensions and annuities
  8. Realized capital gains (losses)
  9. Social Security
  10. Unemployment compensation
  11. Workers' compensation
  12. Veterans' payments other than pensions
  13. Government retirement pensions and annuities
  14. Government survivor pensions and annuities
  15. Government disability pensions and annuities
  16. Public assistance (includes TANF and other cash welfare)
  17. Supplemental Security Income (SSI)
  18. Veterans' pensions
  19. Federal earned income credit
  20. Federal income taxes after refundable credits except EIC (deducted from income)
  21. State income taxes after all refundable credits (deducted from income)
  22. Payroll taxes (FICA and other mandatory deductions) (deducted from income)
  23. Property taxes on owner-occupied housing (deducted from income)
  24. Government educational assistance
  25. Non-government educational assistance
  26. Supplemental Nutrition Assistance Program (SNAP) - formerly known as Food Stamps
  27. Free and reduced-price school lunches
  28. Low-income energy assistance
  29. Public housing and rent subsidies
    1. Public housing and rent subsidies - AHS-based estimates (used in the R&D Service)
    2. Public housing and rent subsidies - FMR-based estimates (used for the NAS Series)
  30. Fungible value of Medicaid
  31. Child Support
  32. Alimony
  33. Regular contributions from persons not living in the household
  34. Money income not elsewhere classified
  35. Imputed return to home equity on owner-occupied housing
  36. Regular-price school lunches
  37. Employer contribution to health care plans
  38. Fungible value of Medicare
  39. Medical expenses out-of-pocket (deducted from income)
  40. Work-related expenses
    1. Work-related expenses excluding child care (deducted from income)

## 2. Work-related expenses including child care (deducted from income)

41. Economic stimulus payments (2009 ASEC only)

42. Economic recovery payments (2010 ASEC only)

## The pre-defined income definitions are:

- **Money Income (the official definition of income) Consists of the following 23 income components:**
  - 1. Earnings (wages, salaries, and self-employment income)
  - 2. Interest income
  - 3. Dividend income
  - 4. Rents, royalties, estate, and trust income
  - 5. Non-government retirement pensions and annuities
  - 6. Non-government survivor pensions and annuities
  - 7. Non-government disability pensions and annuities
  - 9. Social Security
  - 10. Unemployment compensation
  - 11. Workers' compensation
  - 12. Veterans' payments other than pensions
  - 13. Government retirement pensions and annuities
  - 14. Government survivor pensions and annuities
  - 15. Government disability pensions and annuities
  - 16. Public assistance (includes TANF and other cash welfare)
  - 17. Supplemental Security Income (SSI)
  - 18. Veterans' pensions
  - 24. Government educational assistance
  - 25. Non-government educational assistance
  - 31. Child Support
  - 32. Alimony
  - 33. Regular contributions from persons not living in the household
  - 34. Money income not elsewhere classified
- **Market Income Consists of the following 15 income components:**
  - 1. Earnings (wages, salaries, and self-employment income)
  - 2. Interest income
  - 3. Dividend income
  - 4. Rents, royalties, estate, and trust income
  - 5. Non-government retirement pensions and annuities
  - 6. Non-government survivor pensions and annuities
  - 7. Non-government disability pensions and annuities
  - 8. Realized capital gains (losses)
  - 25. Non-government educational assistance
  - 31. Child Support
  - 32. Alimony
  - 33. Regular contributions from persons not living in the household
  - 34. Money income not elsewhere classified
  - 35. Imputed return to home equity on owner-occupied housing
  - 40(a). Work-related expenses excluding child care (deducted from income)
- **Post-Social Insurance Income Consists of 23 income components, all the Market Income components AND the following:**
  - 9. Social Security
  - 10. Unemployment compensation
  - 11. Workers' compensation
  - 12. Veterans' payments other than pensions
  - 13. Government retirement pensions and annuities
  - 14. Government survivor pensions and annuities
  - 15. Government disability pensions and annuities
  - 24. Government educational assistance
- **Disposable Income Consists of 34 income components, all the Post-Social Insurance Income components AND the following:**
  - 16. Public assistance (includes TANF and other cash welfare)
  - 17. Supplemental Security Income (SSI)
  - 18. Veterans' pensions
  - 19. Federal earned income credit

- 20. Federal income taxes after refundable credits except EIC (deducted from income)
- 21. State income taxes after all refundable credits (deducted from income)
- 22. Payroll taxes (FICA and other mandatory deductions) (deducted from income)
- 23. Property taxes on owner-occupied housing (deducted from income)
- 26. Supplemental Nutritional Assistance Program (SNAP)
- 27. Free and reduced-price school lunches
- 29(a). Public housing and rental subsidies - AHS-based estimate
- 36. Regular-price school lunches
- 41. Economic stimulus payments (2009 ASEC only)
- 42. Economic recovery payments (2010 ASEC only)
  
- **NAS Income Consists of Money Income (see the 23 components listed above) PLUS**
  - 8. Realized capital gains (losses)
  - 18. Federal earned income credit
  - 26. Supplemental Nutritional Assistance Program (SNAP)
  - 27. Free and reduced-price school lunches
  - 28. Low-income energy assistance
  - 29(b). Public housing and rental subsidies - FMR-based estimate
  - 36. Regular-price school lunches
  - 41. Economic stimulus payments (2009 ASEC only)
  - 42. Economic recovery payments (2010 ASEC only)
- MINUS**
  - 20. Federal income taxes after refundable credits except EIC (deducted from income)
  - 21. State income taxes after all refundable credits (deducted from income)
  - 22. Payroll taxes (FICA and other mandatory deductions) (deducted from income)
  - 40(b). Work-related expenses including child care
- **NAS Income minus Medical Out-of-Pocket Expenditures Consists of all the components in NAS Income MINUS**
  - 39. Medical Expenses out of pocket

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Source: U.S. Census Bureau | Current Population Survey (CPS) | Last Revised: