



## Legislation Details (With Text)

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**Type:** Ordinance      **Status:** Passed

**File created:** 1/28/2019      **In control:** Rules & Reference Committee

**On agenda:** 2/11/2019      **Final action:** 2/13/2019

**Title:** To amend Chapter 145 of Columbus City Codes to provide the Director of Public Safety the authority to create and enforce the rules of this chapter and to provide for the contracting and discretionary review of the amount the City pays funeral directors for the burial or cremation of indigent persons; and to declare an emergency.

**Sponsors:** Mitchell Brown

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
2/13/2019	1	CITY CLERK	Attest	
2/12/2019	1	MAYOR	Signed	
2/11/2019	1	COUNCIL PRESIDENT	Signed	
2/11/2019	1	Columbus City Council	Approved	Pass

### BACKGROUND:

Ohio Revised Code Section 9.15 requires that the City be responsible for the cost of burial or cremation of an indigent person. Columbus City Code Chapter 145 addresses that responsibility. In its current form, the legislative maximum amount of \$750 does not provide discretion for the Director to determine if such a reimbursement amount is reasonable. This legislation is needed to provide the Director the authority to create and enforce the rules of this chapter and to grant discretionary review upon satisfactory compliance with the chapter.

To amend Chapter 145 of Columbus City Codes to provide the Director of Public Safety the authority to create and enforce the rules of this chapter and to provide for the contracting and discretionary review of the amount the City pays funeral directors for the burial or cremation of indigent persons; and to declare an emergency.

**WHEREAS**, Chapter 145 of Columbus City Codes and Section 9.15 of the Ohio Revised Code requires the City to sustain the cost of burials of indigent persons under certain circumstances; and

**WHEREAS**, there is a need to clarify that indigent burial payments may be applied to any justified costs of burial and cremation; and

**WHEREAS**, the City currently pays to funeral directors a maximum of Seven Hundred Fifty (\$750.00) for each indigent burial they perform, without discretionary review to determine reasonableness of cost; and

**WHEREAS**, the Director of Public Safety shall be empowered to promulgate rules and regulations to carry out the provisions of this chapter; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Safety in that it is necessary to provide for a contract to provide these essential services immediately for the preservation of the public health and safety; now, therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That the title of Columbus City Code Chapter 145 is hereby amended as follows:

**Chapter 145 - ~~WELFARE~~; BURIAL OR CREMATION OF INDIGENTS**

**SECTION 2.** That Section 145.01 of the Columbus City Codes, is hereby amended as follows:

**145.01 - Funeral director's statement.**

Any funeral director burying or cremating the dead body of any person required by any statute of the state to be buried at the expense of the city, shall submit to the director of public safety a statement under oath of the amount of any contributions received from friends, relatives or others, of insurance or property, real or personal, or of any other thing of value, which may be applied to the burial or cremation expense of such person, or of the absence of any such things of value which may be so applied, and containing an itemized statement of the burial or cremation expense of such person.

**SECTION 3.** That Section 145.02 of the Columbus City Codes is hereby amended as follows:

**145.02 - Payment of expenses.**

Upon the submission of such statement under oath to the director of public safety, ~~and its approval by the director as a satisfactory compliance with the requirement of this chapter, there shall be paid to such funeral director for the burial of such person not to exceed seven hundred fifty dollars (\$750.00).~~ the funeral director shall be paid for the burial or cremation of such person based on the contract that has been established for the burial or cremation of indigent persons within the city of Columbus. If any non-contractual party provides the same services, the statement required by section 145.01 must be submitted to the director and the director shall determine whether the expenses are reasonable and, if so determined, shall pay to such funeral director for the burial or cremation of such person an amount not to exceed the current contracted rate. This maximum amount shall include the cemetery charges and the crematory charges, less the amount of any such things of value which may be applied to such funeral expense as shown by the required statement under oath.

**SECTION 4.** That new Section 145.03 of the Columbus City Codes is hereby enacted, reading as follows:

**145.03 - Authority.**

The director of public safety is empowered to promulgate rules and regulations to carry out the provisions of this chapter.

**SECTION 5.** That existing Sections 145.01 and 145.02 of the Columbus City Codes are hereby repealed.

**SECTION 6.** That for the reasons stated in the preamble hereto, which is hereby made a part thereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.