

**CITY OF HILLSBORO, OHIO
ORDINANCE NO. 2023-19**

**AN ORDINANCE AMENDING SECTION 39.35 OF THE CODIFIED ORDINANCES OF
THE CITY OF HILLSBORO PERTAINING TO THE DISPOSITION OF HUMAN REMAINS**

WHEREAS, the City of Hillsboro desires to amend certain sections of the Codified Ordinances of the City of Hillsboro pertaining to the disposition of human remains to mirror the Ohio Revised Code; and

WHEREAS, Council, finds that an amendment to the Codified Ordinances of the City of Hillsboro to be in the best interest of the health, safety and welfare of the community for the benefit of the City and its inhabitants.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HILLSBORO, STATE OF OHIO, WITH A MAJORITY OF ALL COUNCIL MEMBERS CONCURRING THAT:

SECTION 1: That the Codified Ordinances of the City of Hillsboro shall be amended as follows:

§ 39.35 POLICY FOR DISPOSITION OF HUMAN REMAINS.

The city, without surrendering its defenses and objections to providing funding for the disposition for human remains, does hereby establish this policy for compliance with R.C. § 9.15.

“As used in this section, "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.

(A) When the body of a dead person is found in the City of Hillsboro, 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 section 1713.34 of the Revised Code, it shall be disposed of as follows:

(1) If the person was a legal resident of the county, the proper officers of the municipal corporation in which the person's body was found shall cause it to be buried or cremated at the expense of the municipal corporation in which the person had a legal residence at the time of death.

(2) If the person had a legal residence in any other county of the state at the time of death, the superintendent of the county home of the county in which such body was found shall cause it to be buried or cremated at the expense of the township or municipal corporation in which the person had a legal residence at the time of death.

Such officials shall provide, at the grave of the person or, if the person's cremated remains are buried, at the grave of the person's cremated remains, a metal, stone, or concrete marker on which the person's name and age, if known, and date of death shall be inscribed.

1st Reading 5/11/23
2nd Reading 6/15/23
3rd Reading 7/13/23
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(C) The City Auditor, upon information supplied upon a form devised by the Auditor's office for that purpose that an indigent resident of the county found deceased within the corporation limits of the city, shall immediately inquire of the funeral homes in the southwest Ohio area as to the cost and availability of services to make disposition of human remains, and shall provide up to \$750 toward the entire cost of the disposition, determining the lowest responsive, responsible proposal, as in the Auditor's opinion best serves the needs of the city.

(D) Any costs advanced by the city for the disposition of the human remains shall be certified to the Law Director for collection who is authorized and directed to sue any person legally responsible for the costs, and to begin probate proceedings as a creditor to determine the assets of the decedent available to pay the costs and to collect the estate assets and reimburse the city for costs and legal fees as authorized by the probate court.

(E) (1) The Auditor may summon witnesses and administer oaths in order to determine the indigent status of a decedent, the actual costs necessary for the disposition of human remains, and the location where the decedent was found and decedent's residence.

(2) Witness fees and court reporter costs shall be paid from the city treasury in addition to the disposition costs.

(F) Any payment made under this policy is subject to recovery in the event it appears the deceased person was not entitled to have disposition made at the expense of the city if discovered at any time within two years of payment, and the city retains a lien for that period of time upon the property and accounts of the payee for that period of time to collect any judgment for recovery of payments.

SECTION 2: That all language not specifically amended herein shall remain in full force and effect.

SECTION 3: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4: This Ordinance shall take effect and be in full force upon passage by a majority of Council and approval by the Mayor.

Passed this 13th day of July, 2023.


Tom Eichinger, Council President

Attest: Whitney Aliff
Whitney Aliff, Clerk of Council

Approved: 
Justin Harsha, Mayor

Date: 7/13/2023

Prepared by the City Law Director.