

141
9/12

Ordinance 930

An ordinance creating a chapter in the Clallam County Code
titled Disposition of Remains of Indigent Persons

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

Section xxx.010, Definitions, is created to read as follows:

For the purposes of this ordinance the following definitions shall apply:

- (1) "Final disposition" means the disposition of remains by earth burial in a recognized cemetery or cremation in accordance with the conditions set forth in the County's contractual agreement with funeral establishments.
- (2) "Funeral establishment" means a funeral establishment licensed under RCW 18.39 or a cemetery authority with a permit or endorsement issued under RCW 68.05.
- (3) "Indigent" means without assets sufficient to pay for the cost of burial as provided by this chapter.
- (4) "Unclaimed" means family, friends or a church organization, are not claiming responsibility for final disposition of an indigent decedent, and the decedent is not survived by any of the following (RCW 36.39.030):
 - (a) A spouse;
 - (b) Adult children;
 - (c) Parents;
 - (d) Siblings.
 - (e) A person acting as the decedent's representative under a signed authorization of the decedent.

Section xxx.020, Acceptance of responsibility, is created to read as follows:

The County Coroner, as provided in RCW 68.50.010, shall have the responsibility for accepting jurisdiction for the remains of a person that appears to be unclaimed. If seven (7) days after the death of an indigent person **NO** person, relative or responsible officer of a church organization with which the deceased was affiliated (RCW 68.50.070) claim responsibility for the disposition of the decedents remains, then the funeral establishment shall have jurisdiction over the remains and shall with reasonable diligence determine if the indigent person is "unclaimed" as that term is defined in this ordinance.

Whenever friends, a church organization or appropriate relatives, who have legal responsibility for disposing of the remains, as identified in RCW 68.50.160, claim the body, Clallam County will not accept jurisdiction or financial responsibility for disposition.

Section xxx.030, Notification, is created to read as follows:

The County Coroner, with assistance from the County Sheriff's Department and/or other law enforcement agencies shall attempt to notify relatives, friends, or religious organizations that may desire to claim responsibility for the disposition of an indigent decedents remains. If no friends, relatives or church organizations can be found to accept responsibility for the disposition of the remains within seven (7) days of the death of the indigent person, the funeral establishment shall accept jurisdiction.

Section xxx.040, Provision of cremation at county expense, is created to read as follows:

The funeral establishment, after accepting jurisdiction for the disposition of indigent unclaimed human remains, shall arrange for the transportation and final disposition of such remains at County expense.

Section xxx.050, Procedures, is created to read as follows:

The County Administrator or his/her designee shall review and, after appropriate inquiry, grant or deny applications for the reimbursement of the cost of final disposition of the remains of any indigent person who dies within the County and whose body is unclaimed. Application shall be made in the form specified and provided by the County Administrator. The person making the application shall certify that the application is for the payment of the cost of final disposition of a person who:

- (1) died within the County,
- (2) is indigent, and
- (3) whose body is unclaimed and that the information contained therein is true under penalty of perjury.

In determining whether an unclaimed decedent for whom application is made is indigent, the following shall be considered:

- (1) The decedent's estate and resources, including, but not limited to, real estate, personal property, cash, bank accounts, contents of safety deposit boxes, nursing home trust accounts, veterans death benefits, workmen's compensation, Social Security death benefits, life insurance or burial insurance;
- (2) Any person on public assistance at the time of his/her death is presumed to be indigent.

Section xxx.060, Special account created, is created to read as follows:

A special account to be known as the Clallam County Indigent Remains Account shall be created, for the purpose of paying all or any part of the cost of burial of the remains of any indigent person who dies within the County and whose body is unclaimed.

Section xxx.070, Reimbursement of cost, is created to read as follows:

Upon approval of an application for reimbursement for the cost of disposal of the unclaimed remains of an indigent person, the County shall pay the funeral establishments a sum previously agreed to in writing by the County and the funeral establishment.

Section xxx.080, Recoupment of cost, is created to read as follows:

It is the intent of this Section to provide for disposal of the unclaimed remains at County expense only in those cases where there are no available funds belonging to the deceased, the deceased's estate or held in trust for the deceased by any person or entity. In the event such resources are discovered after the County has paid for disposal of the remains, the Prosecuting Attorney may pursue recoupment of any amount expended by the County, and only if such effort appears to be cost effective.

Section xxx.090, Effective date and expiration date, is created to read as follows:


This ordinance shall take effect ten (10) days after adoption.

Section xxx.100, Severability, is created to read as follows:

If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of this ordinance or the application of the provisions to other persons or circumstances is not affected.

ADOPTED this 12th day of September 2017

BOARD OF CLALLAM COUNTY COMMISSIONERS



Mark Ozias, Chair

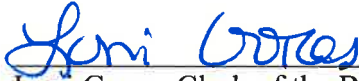


Randy Johnson



Bill Peach

ATTEST:



Loni Gores, Clerk of the Board