**CHAPTER 7  
CEMETERY**

SECTION:

[**7-7-1**](https://codelibrary.amlegal.com/codes/toquervilleut/latest/toquerville_ut/0-0-0-1943#JD_7-7-1)**: Definitions**

[**7-7-2**](https://codelibrary.amlegal.com/codes/toquervilleut/latest/toquerville_ut/0-0-0-1947#JD_7-7-2)**: Applicability**

[**7-7-3**](https://codelibrary.amlegal.com/codes/toquervilleut/latest/toquerville_ut/0-0-0-1949#JD_7-7-3)**: Cemetery Superintendent**

[**7-7-4**](https://codelibrary.amlegal.com/codes/toquervilleut/latest/toquerville_ut/0-0-0-1961#JD_7-7-4)**: Fees And Charges**

[**7-7-5**](https://codelibrary.amlegal.com/codes/toquervilleut/latest/toquerville_ut/0-0-0-1967#JD_7-7-5)**: Sale Of PLots**

[**7-7-6**](https://codelibrary.amlegal.com/codes/toquervilleut/latest/toquerville_ut/0-0-0-1977#JD_7-7-6)**: Regulation Of Cemetery And Burials**

[**7-7-7**](https://codelibrary.amlegal.com/codes/toquervilleut/latest/toquerville_ut/0-0-0-2019#JD_7-7-7)**: Perpetual Care**

[**7-7-8**](https://codelibrary.amlegal.com/codes/toquervilleut/latest/toquerville_ut/0-0-0-2034#JD_7-7-8)**: Nonperpetual Care PLots**

[**7-7-9**](https://codelibrary.amlegal.com/codes/toquervilleut/latest/toquerville_ut/0-0-0-2052#JD_7-7-9)**: Burial Of Indigents**

**7-7-1: DEFINITIONS:**

The following words or phrases shall have the following meanings, unless the context otherwise clearly requires:

PLOT: Shall include the partial lots or single graves in the municipal cemetery.

PLOT OWNER OR PURCHASER AND GRAVE OWNER OR PURCHASER: The owner or purchaser of burial privileges or the collateral right of use of any burial plot evidenced by a deed or burial right for a described plot or by proved and recognized descent or devise from the original owner. (1977 Code § 8-201)

**7-7-2: APPLICABILITY:**

All cemeteries owned and/or maintained by the municipality or which may hereafter be acquired by the municipality, wherever situated, are hereby declared subject to the provisions of this chapter. (1977 Code § 8-203)

**7-7-3: CEMETERY SUPERINTENDENT:**

   A.   Created: There is hereby created the position of cemetery superintendent. (1977 Code § 8-211)

   B.   Duties: The cemetery superintendent shall have the general supervision and administration of the city cemetery, including, but not limited to:

      1.   Recommending to the city council such additional rules and regulations as may be necessary for the operation, maintenance, use and protection of the cemetery.

      2.   Subdividing the cemetery into plots and gravesites.

      3.   Maintaining a record of the location of the graves and preventing any plot from being used beyond its capacity.

      4.   Keeping in proper repair the enclosure around the cemetery and preventing it being entered by animals and, so far as practical, preventing the destruction or defacing of any tablet or marker placed or erected therein.

      5.   Keeping a duplicate plat of the cemetery and, at the request of any person wishing to purchase any of the plots or parts of plots, pointing out any of the plots or parts of plots for sale; and, upon disposal of any plots or part thereof, notifying the city recorder of such fact. The city recorder shall, after payment of the plot price has been received in the treasury, issue a certificate of burial rights, which shall describe the plot or grave to which the right to burial is granted. The certificate shall be signed by the ~~mayor~~ cemetery superintendent and the city recorder.

      6.   Opening any graves in the cemetery upon application to him being made by the city recorder or by any person having the right to make such application and being responsible for closing all graves.

      7.   Removing floral pieces or displays left on any grave as deemed necessary to the appearance of the cemetery~~,~~. ~~but such floral pieces or displays shall not be removed sooner than ten (10) days after original placement, except in emergency.~~ All floral pieces and decorations not permanently attached to the headstone shall be removed at the end of every quarter and one week after every holiday.

      8.   Keeping the streets, alleys, walks and avenues in the cemetery in good order and unobstructed.

      9.   Erecting a suitable marker firmly set upon the northwest corner of each ~~lot~~ section, with the number of the plot inscribed thereon and which location shall be shown on the cemetery records. (1977 Code § 8-212)

**7-7-4: FEES AND CHARGES:**

1. Collection Of Fees: The city recorder, and such other persons as the city council may designate, are hereby authorized and required to collect ~~in advance~~ prices and fees for the opening and closing of graves or other services which shall include, but not be limited to, properly disinterring bodies and properly restoring the earth and grounds, recording each burial, disinterment or removal, and raised monument privileges. The fees shall be such amounts as are determined by the city council from time to time. as listed on the City’s Uniform Fee Schedule. (1977 Code § 8-241; amd. 2014 Code)

   B.   Fee To Be Paid For Opening Grave:

1. No grave shall be opened in the city cemetery until payment of a fee for the labor and expense in so opening the grave shall be paid.

      2.   The presentation of a receipt from the city recorder or person designated by the city council when presented to the cemetery superintendent, shall be authority to open a grave for the burial of a deceased person. However, upon a contract being entered into between any mortician and the city wherein the mortician agrees to be responsible and liable for fees for the opening of a grave, and wherein that mortician will be personally liable for such fees and for perpetual care payments, the city recorder or authorized person may give the cemetery superintendent authority to open graves without the presentation of a receipt from the city recorder or authorized person. (1977 Code § 8-242)

   C.   Purchase Price And Fees: The city council shall from time to time fix the size of plots, the price at which burial rights shall be sold and the fees which shall be charged for the various cemetery services to be provided. as listed on the City’s Uniform Fee Schedule. (1977 Code § 8-243; amd. 2014 Code)

**7-7-5: SALE OF PLOTS:**

   A.   Procedure For Sale:

      1.   The city recorder, and such other person as the city council may designate, are hereby authorized to sell the use of plots in the city cemetery for burial purposes only and to collect all sums arising from the sale. The city recorder shall keep a complete record of all sales, which record shall describe the location of the plot purchased and the price paid therefor. The city recorder or designated person shall deliver to each purchaser a certificate of burial rights for each plot purchased, which certificate shall, among other things, describe the location of the plot, the purchase price and the type of maintenance services which are to be provided, e.g., perpetual care, prepaid continued maintenance or currently paid services.

      2.   A certificate and rights to burial shall be exempt from execution, taxation or assessment for care and maintenance from and after full payment of the purchase price. ~~Payments made pursuant to this subsection shall not be construed to be in payment for cemetery services other than perpetual care or prepaid maintenance.~~

      3.   Perpetual care or ~~prepaid~~ continued maintenance shall be deemed to include the filling of the grave, the placing of topsoil upon the grave, seeding the grave with grass, and watering and cutting the grass. No other services are included.

      4.   No other improvements, changes or service, except perpetual care or ~~prepaid~~ continued maintenance, shall be made on any plot without the certificate holder or his heirs first submitting to and receiving from the cemetery superintendent, written approval for such improvements, changes or services, which improvements, changes or services shall be subject to the rules and regulations promulgated by the city council. (1977 Code § 8-251)

   B.   Restrictions Of Resale:

      1.   From and after January 1, 1978, the plots sold by the city shall not be further sold, transferred, conveyed or assigned to any person, except the city. The city hereby agrees to buy back any city cemetery grave plot which it may hereafter sell. The repurchase of such plots shall be for the original price paid by the purchaser, or the current selling price of the plot, whichever is less.

      2.   Whenever a certificate to burial rights or plot reverts to the city, as provided for in this subsection, or becomes vested in the city for any reason, before new certificates are issued, the original certificate shall be canceled or an assignment given, and the record shall be so changed.

      3.   The certificates shall be issued and signed by the ~~mayor~~ cemetery superintendent and shall be attested by the city recorder. All plots or parts of plots, as provided in this subsection, together with all improvements, shall be exempt from execution and from taxation and assessment for care and maintenance charges from and after said payment. (1977 Code § 8-252)

1. Cemetery plots purchased before 1978 that have not been used will be automatically reclaimed by the City. The City shall make every reasonable attempt to contact the purchaser and/or the purchasers nearest living relatives. If no contact can be made, the unused plots will be retained by the City for resale.

**7-7-6: REGULATION OF CEMETERY AND BURIALS:**

   A.   Burials: Before any deceased person is buried in a cemetery within the City, a death certificate properly issued by the Utah Bureau of Vital Statistics shall be required by the Cemetery Superintendent. After burial, the Cemetery Superintendent shall endorse upon the permit a description of the location where the deceased is buried and shall enter all of the information contained in the permit in the cemetery records. (1977 Code § 8-221; amd. 2014 Code)

   B.   Burial Permit Required: It shall be unlawful for any person to bury the body of a deceased person in a cemetery within the City without first obtaining a certificate of burial right for the plot used or producing satisfactory evidence of a right to burial based on a property acquired certificate of burial right. (1977 Code § 8-222; amd. 2014 Code)

   C.   Registration Of Burials: Before any deceased person may be buried in a cemetery within the City, the relatives or person having charge of the deceased shall provide the City Recorder with a written statement which shall be filed by the City Recorder, which statement shall contain, if known, information about the deceased regarding his or her name, when and where born, the date and cause of death, the name of the attending physician, date of burial, name of cemetery and the description of the location of the grave. (1977 Code § 8-223; amd. 2014 Code)

   D.   Burials And Disinterment:

      1.   It is a Class B misdemeanor, subject to penalty as provided in section [1-4-1](https://codelibrary.amlegal.com/codes/toquervilleut/latest/toquerville_ut/0-0-0-188#JD_1-4-1) of this Code, for any person to:

         a.   Disinter any body buried in any cemetery, except under the direction of the Cemetery Superintendent who shall, before disinterment, require written permission from both the Southwest Health Department and the owner of the plot, or his or her heirs, which written authorization shall be filed and preserved in a record kept for such purposes.

         b.   Disinter or remove the body of a person who has died from a contagious disease within two (2) years after the date of burial, unless the body was buried in a hermetically sealed casket or vault and is found to be so incased at the time of disinterment.

      2.   It is an infraction, subject to penalty as provided in section [1-4-1](https://codelibrary.amlegal.com/codes/toquervilleut/latest/toquerville_ut/0-0-0-188#JD_1-4-1) of this Code, to inter anything other than the remains of human bodies in cemeteries.

      3.   It is an infraction, subject to penalty as provided in section [1-4-1](https://codelibrary.amlegal.com/codes/toquervilleut/latest/toquerville_ut/0-0-0-188#JD_1-4-1) of this Code, to bury the body of any person within this Municipality except in the City cemetery or a private cemetery, unless by special permission of the City Council under such rules and regulations that it may prescribe. (1977 Code § 8-224; amd. 2014 Code)

   E.   Cremations:

      1.   Any single burial plot within the cemetery may occupy up to two (2) cremation urns. Urns must be placed in an urn burial vault. Urn burials shall include a placard on the surface above the urn denoting name, birth and death dates of deceased person.

      2.   Burials eligible with a casket and urn(s) are permitted ~~only in section 4 of~~ in the cemetery.

         a.   A casket cannot be placed above an urn.

         b.   If an urn is the first, by date, to be placed in section 4, then there can be no casket interred at a later date.

         c.   Urn burials must follow instructions as noted in subsection E1 of this section (cremations).

         d.   Urn placement subject to approval by Cemetery Sexton.

         e.   Scattering cremation ashes on a purchased cemetery plot is permitted subject to the approval of the Cemetery Sexton and placement of identification marker.

   F.   Vaults Required:

      1.   Unless in writing waived by the Cemetery Superintendent, it shall be unlawful for any person to lie buried in the cemetery unless the casket or urn shall be placed in a vault made of concrete, fiberglass, steel or brick lined, or of such other material approved by the City Council, substantially constructed and covered with a similar durable material.

      2.   No wood shall be used as a permanent part of the construction of any part of the vault.

   G.   Religious And Fraternal Organizations: The City may contract with religious and fraternal organizations to designate a reasonable portion of the cemetery in which burials may be restricted to members of such religious and fraternal organizations and their families.

   H.   Sale Subject To Rules: Every plot or single grave sold is subject to rules and regulations that have been or may be adopted. The rules and regulations shall be subject to such changes as are found necessary for the protection of plot owners, the remains of the dead and the preservation of the cemetery.

   I.   Care Reserved: The City reserves the right to enter upon any grave and to perform all work necessary for the care and upkeep of all plots and graves in its cemeteries.

   J.   Orders And Responsibilities For Errors: Under no circumstances will the City assume responsibilities for errors in opening graves when orders are given by telephone.

   K.   Traffic Rules:

      1.   The provisions of the City traffic ordinances relative to the operation of vehicles and conduct of pedestrians shall be in effect in the cemetery, except as herein otherwise modified by this chapter.

      2.   It shall be unlawful for any person to ride or drive within the City cemetery at a speed greater than five (5) miles per hour.

   L.   Children: Children under the age of eight (8) years shall not be allowed in cemeteries unless accompanied by their parents or other adults, except for the purposes of attending authorized funerals or, in the company of adults, placing flowers on the grave of a deceased relative or friend, or performing any other customary evidence of respect in accordance with their religious principles.

   M.   Animals Prohibited: No animal shall be allowed in any cemetery, except in the confines of a vehicle and must be at all times retained within the confines of said vehicle while the vehicle remains in the cemetery.

   N.   Decorum: Cemetery grounds are sacredly devoted to the interment and repose of the dead. Strict observance of decorum due such a place shall be required of all persons.

   O.   Injury To Cemetery Property Prohibited:

      1.   It is a Class B misdemeanor, subject to penalty as provided in section [1-4-1](https://codelibrary.amlegal.com/codes/toquervilleut/latest/toquerville_ut/0-0-0-188#JD_1-4-1) of this Code, for any person to tie or attempt to tie any horse, animal or motor vehicle to any monument, gravestone, tablet, marker, tree, shrub, fence or enclosure on the premises of the cemetery for the purpose of injuring, defacing or attempting the removal of same.

      2.   It shall be an infraction, subject to penalty as provided in section [1-4-1](https://codelibrary.amlegal.com/codes/toquervilleut/latest/toquerville_ut/0-0-0-188#JD_1-4-1) of this Code, for any person to injure, deface, break, destroy or remove any headstone, tombstone, monument, tree, shrub or any other property in the cemetery.

   P.   Landscaping By Private Persons: Except as provided by the rules and regulations of the City Council, it shall be unlawful for any person to erect or maintain any fence, corner post, bench on which to sit, coping or boundary of any kind, to plant any vegetation upon any plot or plots, street, alley or walk in the cemetery, or to grade the ground or land thereof. The Cemetery Superintendent shall, whenever required, furnish the true lines of any plots according to official survey, shall prevent and prohibit any markings of the same, except by official landmarks, and shall prevent and prohibit any grading thereof that might destroy or interfere with the general slope of the land. Any person who desires to install a cane for decorations, must do so within the cement footprint of the headstone. Upon written request, the Toquerville City representative will drill up to two (2) holes in said cement footprint for such installation. Where there is no existing footprint, application may be made through the City office, and under the direction of the Cemetery Sexton, the Toquerville City representative will install an eight inch (8") to twelve inch (12") cement border around the headstone at the applicant's expense for such materials and labor.

   Q.   Placement Of Markers:

      1.   It shall be unlawful for any person to erect, place or cause to be placed any marker or monument on any plot in the cemetery in violation of the rules and regulations promulgated by the City Council regarding the placement, construction and design of all such markers.

      2.   All headstones or markers must have a concrete border eight inches (8") to twelve inches (12") wide.

      3.   No monument in the cemetery will be more than three feet (3') high. , two feet (2’) deep and four feet (4’) wide.

   R.   Additional Rules And Regulations:

      1.   The City Council may promulgate by ordinance such additional rules and regulations concerning the care, use, operation and maintenance of the cemetery as it shall deem necessary.

      2.   The Mayor may from time to time as the City Council deems necessary, direct and publish a booklet of rules and regulations for the convenience of the purchasers of plots in the City cemetery. Such rules and regulations shall constitute a part of the terms and conditions under which owners and users may utilize the cemetery and shall form a supplement to this chapter after they have been adopted as official by ordinance of the City Council. (Ord. 2017.04, 5-11-2017)

**7-7-7: PERPETUAL CARE:**

   A.   ~~Contracting For~~ Perpetual Care:

      1.   No grave shall be hereafter opened in the cemetery of the City until perpetual care upon the plot where the grave is to be opened shall have been paid in full. ~~contracted for with the City, or perpetual care thereon paid. Should it be the desire of any person to have a grave opened and the body interred therein and perpetual care shall not have been previously contracted for or paid in full for the lot therein, the person may either pay the full purchase price for perpetual care or enter into a contract, wherein payment shall be agreed.~~

~~2.   The agreement shall provide for a down payment in the amount of twenty percent (20%) of the total purchase price of the cost of the lot, and shall further provide for the payment of monthly installments over a period not to exceed twenty (20) months. The monthly installments shall be in the amounts equal to the balance of the contract divided by the number of months which the contract is to run, plus two (2) months extra payment to pay for the privilege of making the payments in installments or six percent (6%) of the balance, whichever is less.~~

~~3.   The installment contract for perpetual care of, or purchase of, a lot with perpetual care, shall provide for collection by the city in event of a default and such collection shall be by civil action, and the defendant therein shall pay cost of collection, together with a reasonable attorney fee to the city, and shall also pay interest at the rate of eight percent (8%) per annum upon the past due installments. All installments shall~~ ~~immediately become due upon the default of any of the installments; provided, however, that when perpetual care for any lot in the city cemetery or portion thereof has not been paid for a period of ten (10) years, then, and in such an event, the unused portion of the lot shall thereafter escheat to the city, and the title thereof shall revert to the city, which shall thereafter have the right, option and privilege to sell and dispose of unused cemetery property, as is in this chapter provided, upon condition that the city shall thereafter maintain perpetually without cost of fee the portion of the lot, occupied by a grave or graves prior to the date when the remaining property escheated to the city. (1977 Code § 8-261)~~

~~4.   The city shall have power to fix a fee from any person now owning a cemetery lot or portion thereof for the annual maintenance and care thereof. The fee shall continue to be paid until such time as a further or additional interment shall be made on the lot, at which time the provisions of this subsection relating to perpetual care and maintenance and to payment of fees and costs pertaining thereto shall take effect and apply. (1977 Code § 8-261; amd. 2014 Code)~~

   B.   Care Included: The essential perpetual care that the city agrees to give shall consist of care of the cemetery generally, and shall include, but is not limited to, mowing of all plots and graves at reasonable intervals, resodding, seeding and filling in sunken graves, sodding the surface of the graves to plot level, removing dead flowers and trimming trees and shrubbery when necessary, raking and cleaning the plots and straightening of tilting stones or markers, but shall not include repairing or replacing markers or memorial structures of any nature, except when the need for repair or replacement is directly caused by the city. (1977 Code § 8-262)

   C.   Perpetual Care Fund:

      1.   Created:

         a.   There hereby is established a perpetual care fund according to the laws of the state and this chapter. All funds received from the sale of perpetual care services shall be placed in a special perpetual care fund, invested in compliance with the laws of the state and used for the purposes herein provided.

         b.   The income from the perpetual care fund shall be used to pay the upkeep and development of the cemetery. The city may borrow from the fund from time to time, but any funds borrowed shall be repaid to the fund with interest thereon at the prevailing rate paid by the city to borrow funds from commercial lenders.

         c.   If the city borrows from the fund, it shall pay into a fund for the operation of the cemetery the interest accrued upon money annually. Should it be found that the interest returned upon the perpetual care funds shall be more than is required to pay for the operation and upkeep of the city cemetery, then the surplus shall be added to the principal amount of the perpetual care fund herein created, and shall be so handled until changed by resolution to provide for the use of such accumulated interest. (1977 Code § 8-271)

      2.   Duties Of City Treasurer: It shall be the duty of the city treasurer to keep an accurate record of the perpetual care trust fund account, including investments, to see that the principal portion thereof is properly invested in accordance with resolutions of the city council and the laws of the state, and to advise the mayor when funds are available for investment in the amount of one thousand dollars ($1,000.00) or more. The mayor shall advise the city council of the availability of such funds. (1977 Code § 8-272)

      3.   Duty Of City Council: It shall be the duty of the city council, when funds are available for investment, to direct by resolution all purchases of securities for the perpetual care fund or to name a suitable trustee for such investment. (1977 Code § 8-273)

      4.   Income: All income from investments held in the Perpetual Care Fund shall be quarterly credited to the Cemetery Maintenance Fund for use in providing the perpetual care as required herein. (1977 Code § 8-274)

**~~7-7-8: NONPERPETUAL CARE LOTS:~~**

~~A.   Maintenance Charges On Lots Without Perpetual Care:~~

~~1.   Every lot for which perpetual care has not been purchased and with reference to which the owner has established a right to directly provide for maintenance and care, notwithstanding the provisions of subsection 7-7-6I of this chapter, shall be maintained and cared for to the extent and in accordance with the standards established by the City Council for care and maintenance of all lots of the cemetery.~~

~~2.   In the event that the owner fails to provide the requisite care and maintenance for nonperpetual care lots, the Cemetery Superintendent shall furnish care and maintenance at rates established by the City Council.~~

~~3.   All such charges shall become a personal liability of the owner of the lots and, in addition thereto, shall constitute a lien against the lots upon the basis of which the City Council may cause the burial rights therein to be forfeited and said rights to revert to the City. (1977 Code § 8-281)~~

~~B.   Reversion Of Nonpaying Lots:~~

~~1.   When any owner of any lot or portion of a lot in the cemetery shall have failed to pay the cost of services rendered by the City or its employees in watering, beautifying, maintaining or caring for any lots or portions thereof in the City cemetery for which perpetual care has not been purchased in accordance with the provisions of this chapter, and such failure to pay has continued for a period of six (6) months, the City may pursue collection of such costs in a court of law. A court action may be pursued for the purpose of seeking judgment against the owner and thereafter attaching any of the assets of the owner, including an attachment of the lots or portions of lots upon which the owner has failed to make payment for maintenance service.~~

~~2.   As an additional remedy, or in lieu of seeking collection in a court of law, the City may cancel the owner's certificate or deed representing rights to burial on the unoccupied lots or portions of lots and causing ownership of lots or portions thereof to~~ ~~revert back to the City by following the procedure set forth in this section. (1977 Code § 8-282)~~

~~C.   Procedure For Reversion Of Lot To City:~~

~~1.   The City may terminate the owner's right to use of unoccupied lot or lots in the City cemetery when there has been a six (6) month failure to pay the costs of maintenance provided by the City in the following manner:~~

~~a.   The City Council shall fix a time and place of hearing before the City Council at which the owner shall be given the opportunity to present good cause as to why his right to future use of the lot or lots involved shall not be terminated and as to why the ownership of the lot or portions of lot shall not revert back to the City for resale by it.~~

~~b.   A notice of the time, place and purpose of the hearing to forfeit the owner's interest in the lot or parts of the lot shall be given by personal delivery of a written notice of the time, place and purpose of the meeting of the City Council, or by mailing a copy of the notice to the last known address of the owner or owners.~~

~~c.   In the absence of an ability to make personal delivery of the written notice to the owner or owners, a notice of the hearing to forfeit rights to said lot or portions of lot shall be published at least once in a newspaper having general circulation in the County. The publication shall be made at least three (3) weeks prior to the date of the hearing.~~

~~d.   If the owner is known to be deceased, then mailing of notice or delivery of notice shall be made to the last known addresses of any known heirs.~~

~~e.   Copies of the notice shall also be posted in a conspicuous place in the offices of the City.~~

~~f.   At the time and place set for the hearing before the City Council, the City Council shall give the owner or owners an opportunity to be heard, a right to present witnesses, and to submit evidence showing cause why the lot or portions of the lot shall not be forfeited to the City.~~

~~2.   After due consideration of all the facts presented at such hearing, the city council may order, if it finds that there has been a failure to make payment of such costs or if no satisfactory arrangement has been proffered for making the immediate payment of such costs, that the lot or portions of lot shall revert to the city for resale and that all of the rights and privileges of the owner in the lot or lots are terminated.~~

~~3.   Thereafter, the city may make sale of the lots in the same manner as it makes sales of all other lots within the cemetery. (1977 Code § 8-283)~~

**7-7-9: BURIAL OF INDIGENTS:**

   A.   The city council may by resolution designate a portion of the city cemetery to the burial of indigents. Whenever it is made to appear to the mayor by proof submitted to him by the city recorder that any person who has died does not have an estate sufficient to pay the purchase price of a plot in the cemetery, and that the nearest relative or representative of such deceased person desires to have the body of such deceased interred in the cemetery, the mayor may grant burial space for such deceased person at the request made to him by the city recorder.

   B.   The mayor shall communicate his decision to both the city recorder and the cemetery superintendent. The mayor shall give report of his decision, whether affirmative or negative, to the city council at its next regular meeting. All strangers without funds or other persons who may die in the city may be granted the privilege granted herein. (1977 Code § 8-291)