

Questions About A FAIRFAX COUNTY CEMETERY ??

1. If a cemetery has been **vandalized**, alert the police.
2. If construction has caused **damage in a cemetery**, alert the police.
3. If you want to **contact the owner** of the cemetery, research the county tax records on line. Please note that some family cemeteries do not have a designated owner.
4. If you believe you have located a **previously undocumented cemetery**, contact the Fairfax County Park Authority Cultural Resource Management and Protection Office.
5. If you notice **people in a cemetery after dark**, call the police. See enclosed Code of Virginia.
6. If you have been **denied access to a cemetery**, refer to the Code of Virginia. See enclosed.
7. If you notice a **cemetery which is not being maintained**, refer to the Code of Virginia. Code of Virginia 57-39.1. Improvement of abandoned and neglected graveyards
8. If you want **advice about how to maintain a cemetery**, search for information on the Internet at cemetery preservation websites. For example, the Fairfax County Cemetery Preservation Association.
9. If you want **genealogical information** about those buried in a cemetery, visit the Virginia Room at the City of Fairfax Regional Library. Librarians can assist in the research.
10. If you are **searching for a loved one** who is supposed to be buried in a Fairfax County cemetery, check Internet websites, like Find a Grave and Billion Graves. Also, search on line at **Fairfax County Public Library cemetery survey** and/ or visit the Virginia Room at the City of Fairfax Regional Library.

**Prepared by the
Fairfax County Cemetery Preservation Association, Inc.
www.honorfairfaxcemeteries.org**

Code of Virginia

§ 18.2-125. Trespass at night upon any cemetery.

If any person, without the consent of the owner, proprietor or custodian, go or enter in the nighttime, upon the premises, property, driveways or walks of any cemetery, either public or private, for any purpose other than to visit the burial lot or grave of some member of his family, he shall be guilty of a Class 4 misdemeanor.

(Code 1950, § 18.1-181; 1960, c. 358; 1975, cc. 14, 15.)

§ 57-27.1. Access to cemeteries located on private property; cause of action for injunctive relief; applicability.

A. Owners of private property on which a cemetery or graves are located shall have a duty to allow ingress and egress to the cemetery or graves by (i) family members and descendants of deceased persons buried there; (ii) any cemetery plot owner; and (iii) any person engaging in genealogy research, who has given reasonable notice to the owner of record or to the occupant of the property or both. No landowner shall erect a wall, fence or other structure or device that prevents ingress and egress to the cemetery or grave, unless the wall, fence or other structure or device has a gate or other means by which ingress and egress can be accomplished by persons specified in this subsection. The landowner may designate the frequency of access, hours and duration of the access and the access route if no traditional access route is obviously visible by a view of the property. The landowner, in the absence of gross negligence or willful misconduct, shall be immune from liability in any civil suit, claim, action, or cause of action arising out of the access granted pursuant to this section.

B. The right of ingress and egress granted to persons specified in subsection A shall be reasonable and limited to the purposes of visiting graves, maintaining the gravesite or cemetery, or conducting genealogy research. The right of ingress and egress shall not be construed to provide a right to operate motor vehicles on the property for the purpose of accessing a cemetery or gravesite unless there is a road or adequate right-of-way that permits access by a motor vehicle and the owner has given written permission to use the road or right-of-way of necessity.

C. Any person entering onto private property to access a gravesite or cemetery shall be responsible for conducting himself in a manner that does not damage the private lands, the cemetery or gravesites and shall be liable to the owner of the property for any damage caused as a result of his access.

D. Any person denied reasonable access under the provisions of this section may bring an action in the circuit court where the property is located to enjoin the owner of the property from denying the person reasonable ingress and egress to the cemetery or gravesite. In granting such relief, the court may (i) set the frequency of access, hours and duration of the access and (ii) award reasonable attorney fees and costs to the person denied such access.

E. The provisions of this section shall not apply to any deed or other written instrument that creates or reserves a cemetery or gravesite on private property.

(1993, c. 713; 2004, c. 831; 2008, c. 390; 2011, c. 257.)