

# Fairfax County Cemetery Preservation Manual

A guide for practitioners



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# Abstract

Historical cemeteries are some of Fairfax County's most important and unique cultural resources. They are reminders of settlement patterns, demographic trends, historic events, shifts in public health, religious beliefs, and societal norms. They are warehouses of folk-art spanning from the simple to the inspirational. However, over time many cemeteries, especially small family burial plots, have been forgotten or abandoned and suffer from years of negligence.

This document provides information about the types of cemeteries found in Fairfax County, the importance of cemetery preservation, and the steps to preserve them. It includes information on developing a preservation plan, potential funding opportunities, research avenues, and methods for surveying historic cemeteries. In addition, guidance is offered on preservation techniques ranging from simple clean-up and regular maintenance to monument cleaning, repair, and other issues.

Finally, the appendices provide a glossary of terms, an illustrated tutorial on identifying cemetery features and typical decorative forms, sample cemetery survey forms, cemetery laws, and a bibliography. It is the hope of the Fairfax County Park Authority's Archaeology and Collections Branch (FCPA-ACB) that this manual will assist residents interested in local history as well as those entrusted to care for cemeteries.

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## Background and Purpose

Marking a burial place fulfills a human need for remembrance and commemoration of life. Our collective desire to memorialize the dead is one of the things that makes us human and can provide a window into the beliefs, customs, and values of both the interred individual and those that marked their passing.

Cemeteries and burying grounds are significant features of the broader cultural landscape that creates our shared sense of place. In addition, they provide a physical space to reflect upon family, religious beliefs, ethnic traditions, and group identity. As time passes and cultural landscapes evolve, cemeteries can offer important insight into the lives of the people buried there and the cultures to which they belonged.

Over 350 cemeteries and individual burials are recorded in the Archaeology and Collections Branch site files. These reflect a variety of burial customs and demonstrate the growth and cultural legacy of the people who lived and died in this county. Although there are federal, state, and local laws that provide for the protection of burial grounds, cemeteries are often under indirect threat due to abandonment and neglect or the direct threat of development, poor management practices, vandalism, and environmental factors.

Fairfax County is fortunate to have an interested and engaged public committed to protecting the county's historical cemeteries. These groups include historical societies, the Fairfax County Genealogical Society, the Fairfax County Cemetery Preservation Association, the Fairfax County History Commission, Friends of Fairfax County Archaeology and Cultural Resources, descendant communities, faith communities, Virginia Indian tribal stakeholders, historians, and scholars, as well as landowners who find themselves stewards of historic cemeteries.

The Fairfax County Park Authority's Archaeology and Collections Branch (FCPA-ACB) developed this cemetery preservation manual in response to repeated requests from these community groups and individuals for information on proper cemetery preservation and maintenance procedures. It is our hope that this manual will bolster local cemetery preservation efforts and generate added support and interest for the protection of historic burial grounds.

The purpose of the Fairfax County Cemetery Preservation Manual is to assist cemetery owners, government agencies, community groups, descendants, and interested residents in preserving and maintaining historic burial grounds. This manual provides an overview of the history of local burial customs and describes common cemetery types found in Fairfax County. Additionally, it reviews the legal framework for cemetery preservation in Virginia. However, **this information should not be construed as legal advice** since this agency cannot interpret the laws regarding cemeteries. If you have questions about Virginia's burial laws or your rights as a citizen or landowner, we strongly urge you to contact a legal professional. Finally, because many cemeteries

in the county are threatened by abandonment or neglect, this manual presents steps to assist in the conservation and maintenance of historical cemeteries.

The Fairfax County Cemetery Preservation Manual is not a comprehensive technical manual for cemetery preservation techniques. What the manual *does* provide is an approach that interested organizations and individuals can employ to undertake cemetery preservation efforts. Additionally, it offers information on common cemetery issues, recommendations for basic maintenance and preservation procedures, and references for users to identify conservation professionals trained in the care and conservation of historic cemetery monuments.

This handbook briefly outlines more advanced preservation techniques trained preservation specialists or professional conservators should undertake. These summarized techniques are included so that individuals and organizations can better evaluate a conservator's proposed approach to cemetery preservation. Finally, this guide highlights additional resources that may be consulted for more in-depth advice or instructions.

Broadly, Fairfax County's municipal, religious, and military cemeteries and privately owned memorial parks are well-maintained. Therefore, this manual is particularly focused on smaller historical cemeteries usually used by a single family or community; however, the general advice applies to nearly all types of burial grounds.

# Cemetery Types

## Native American Graves

Native Americans occupied the land that became Fairfax County for thousands of years before European settlement. Though to date, no systematic archaeological survey has identified Native American burials in Fairfax County, the potential to discover burials of Native Americans does exist. Studies of Virginia Indian burial sites have created a broad set of criteria for their identification. When sites meet these criteria, their locations are entered in the Virginia Department of Historic Resources' Virginia Cultural Resources Information System (V-CRIS) and the FCPA-ACB geographic information system.

## Graves of Enslaved Individuals

Burials of the enslaved are an increasingly well-understood cemetery type. Better documentation, increased outreach to descendant communities, and the work of Black archaeologists and historians have all served to provide a set of general characteristics of the burial grounds of the enslaved. This work, along with oral histories and written accounts from the nineteenth century, suggests that burials for the enslaved customarily were kept separate and apart from the white families or overseers for whom they were forced to labor. They were marked with wooden markers or plain fieldstones and generally buried in an East/West orientation. At times they will be covered with *vinca major* (periwinkle) or other plantings such as daffodil and yucca. Archaeological research at sites such as Mount Vernon here in Fairfax County, Serenity Hill in Maryland and others throughout the Middle Atlantic offer insight into customs and rites associated with these burials.

## Family Burial Plots

Due to tradition and practicality, families living on isolated farms or large plantations during the county's early settlement buried their dead in family burial plots. During the colonial period, itinerant preachers often held religious services at the homes of various community members on an infrequent basis rather than in an established church.

Family burial plots were most often placed on the edge of a field at a high, well-drained point on the property whenever possible. Initially, small wooden markers or plain non-decorated fieldstone markers were used to denote the graves. Later, headstones or other styles of stone markers carved from local sandstone, marble, or granite replaced the wooden markers if the families could afford them. Often, the burial ground would be surrounded by a wood fence or stone wall. Shade trees and other ornamental plantings such as daffodils, yucca, and periwinkle were planted nearby to create a garden-like setting. As communities grew enough to support the construction of churches, many families chose to bury their loved ones in church cemeteries rather than at home.

After the Civil War, small family farms supplanted large plantations. While interments continued to occur on family farms into the twentieth century, the practice became less common as farms gave way to residential communities and more people availed themselves of church or municipal burial grounds.

### Association Cemeteries

In the nineteenth century, secular benefit societies or fraternal organizations often provided benefits for their members or employees, including burial in an association cemetery. This was especially true for people of color. In Fairfax, the Grand United Order of the Sons and Daughters of Liberty Lodge No. 9 opened a cemetery for its members in 1892. It is now cared for by the First Baptist Church of Vienna.

### Memorial Parks

In the mid-nineteenth century, cemeteries moved out of urban centers due to an increase in land value, health reasons, and overcrowding. This movement corresponded with a shift in cemetery style towards creating rural, park-like cemeteries. These cemeteries could be privately or publicly owned, purposely built for public use as a place for reflection or relaxation as well as for the obvious funerary purpose. Elaborately decorated monuments or tombstones, winding paths, and ornamental plantings that complemented the park's natural topography helped create a setting reflecting society's changing attitudes toward death. This societal shift in ideology had begun during the beautification of death movement in the Victorian era. Chestnut Grove Cemetery in Herndon, Fairfax City Cemetery, and Oakwood Cemetery in Falls Church are all Fairfax County examples of memorial parks.

Over time, the more elaborate park-like cemeteries gave way to the uniform municipal or private cemeteries we see today, some resembling a large open lawn with flat stones for easier maintenance, others with upright stones or memorials and carefully landscaped plantings. In addition to traditional plots, many modern cemeteries also include columbaria, a structure of vaults with recesses for urns.

### African American Cemeteries

Black cemeteries are crucial to the understanding of Fairfax County's heritage. In the aftermath of the Civil War, burial patterns were tied to racial segregation and discrimination present in the Reconstruction and Jim Crow Era South. As such, African American communities, churches, and civic institutions established their own cemeteries. In addition to the demographic and genealogical information these cemeteries can provide, they are also particular reminders of the history of mutual aid and support that built and sustained Black communities.

### Religious Cemeteries

The earliest religious cemeteries in Fairfax County were Parish cemeteries established by Anglican/Episcopalian vestries. An example in Fairfax County is Pohick Church. Other early

churches and cemeteries in the county include a wide variety of Christian denominations including Baptist, Methodist, Society of Friends, Catholic, Presbyterian, and Unitarian. Jewish residents' burials have been noted in the Wilkes St. Cemetery Complex in the City of Alexandria, while many more recent burials can be found at King David Memorial Park in Fairfax. Several commercial memorial parks include sections for different faith groups including Muslims, Sikhs, and Hindi as well as columbaria for Buddhists who often choose cremation. Examples include National Memorial Park as well as Fairfax Memorial Park.

### Government Cemeteries:

In Fairfax County, there are no active Veterans Administration Cemeteries. Nearby cemeteries for veterans include Arlington National Cemetery and Alexandria National Cemetery. Fairfax County Cemetery Preservation Association has created a database for burial places of soldiers from the Civil War, it can be found at [www.honorfairfaxcemeteries.org](http://www.honorfairfaxcemeteries.org). It includes the names of soldiers as well as burial places if known. Another government cemetery is Stony Lonesome, a cemetery used for inmates who died while imprisoned at the former Lorton Workhouse or Lorton Prison. Finally, Fairfax County has an cemetery for the indigent established in 1946.

### A Note on Unmarked Burials:

In Virginia, many graves exist without any surface indications of their presence. These unmarked graves include burials of Native Americans, African American enslaved individuals, and other marginalized communities such as the poor, infirm or imprisoned. They can also include burials whose markers have been moved, destroyed, or are no longer visible. As a result, human remains can sometimes be found during ordinary ground-disturbing activities such as construction, agriculture, and excavation. Natural processes, such as erosion and burrowing animals, can also expose human remains. Laws have been enacted that establish procedures to follow when human remains are accidentally discovered. While uncommon, it is possible that you may encounter human remains. Should this occur, do not move, or remove them. Call the police non-emergency number. They will be in contact with the coroner, who will contact the Virginia Department of Historic Resources if necessary. VDHR will then work with the community or family to make a reinterment plan.

# Cemetery Preservation

## Why Do We Need Cemetery Preservation?

Today it is hard to imagine the rural settlement patterns dictating family burial plots in Fairfax County. Over the years, the custom of family burials shifted to that of burial in a church or municipal cemetery. Due to sale or death, when properties containing family burial plots passed out of the family, many fell into disuse and were no longer cared for. Over time, many have been forgotten as later generations move away or family lines end. Once abandoned, many markers fell victim to natural forces, overgrown, or damaged by factors such as frost heave and storms. Some have been the target of vandals. Some stones were reused for building projects. Finally, some have been damaged by well-meaning people trying to preserve them using inappropriate methods that are incompatible with long-term preservation and care.

The overgrown and deteriorating condition of some cemeteries can limit their ability to convey their historical and cultural significance. Additionally, poor upkeep can hasten the process of a cemetery being lost or forgotten by a community. Cemeteries serve as memorials to past residents of Fairfax County and as repositories of epidemiology, genealogical data, religious practice, folk art, ethnic identity, and historical events. Their continued degradation is a threat to this information as well as to the memory of those who lived in Fairfax County in the past.

The effort to preserve and protect these cemeteries must be a joint venture between descendant communities, historic preservation professionals, landowners, and volunteers such as historical societies, friends' groups, scouts, and others. This manual should guide all stakeholders working on cemetery preservation in Fairfax County and provide a frame of reference for conversations concerning cemeteries and their care.

## Establishing Ownership

Prior to beginning any cemetery preservation project, one must establish property ownership. If a cemetery is actively cared for, there is often a placard with the owner or caretaker information posted. For abandoned cemeteries, establishing ownership can be more difficult. It is often the case that the owners of adjacent or surrounding property do not own the parcel encompassing the cemetery. In many cases, historic deeds note exceptions to land sales leaving burial grounds to descendants, trustees, and even Homeowners Associations.

A good first step to establishing ownership is to search the property in Jade, Fairfax County's Geographic Information System (GIS) data viewer. A public version of this application, including parcel information, can be found online at: <https://www.fairfaxcounty.gov/GeoApps/Jade>

Jade is only one potential stop to identifying the landowner. Others might include asking neighboring property owners and conducting deed research at the Fairfax County Circuit Court archives.

Deeds are the county's written legal records of land transactions and can be more comprehensive than information provided in the county's Jade GIS platform. These documents often include the names of trustees or descendants and provide the deed book and page number of each earlier land sale. Tracing these deeds back through time is called a chain of title search and reveals information on how the property changed over time through elements such as legal descriptions and survey drawings.

## Obtaining Permission

Before entering a cemetery, as with any private property, a visitor must obtain permission from the property owner. Specifically, VA Code § 57-27.1 states:

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

It is extremely important that ***no preservation work of any kind*** be conducted without first obtaining permission from the cemetery owner. **Any** physical change to the cemetery performed without the permission of the owner can be considered vandalism. A person or group requesting access to a burial site to preserve and maintain the cemetery should enter into a written agreement with the owner specifying the work to be performed and the responsibilities of the visitor. A sample agreement form that can be used as a model is provided in Appendix A.

## Safety

Abandoned cemeteries pose several safety concerns that are easy to miss. They may harbor wild animals and insects as well as noxious plants such as poison ivy and poison oak. Ground in cemeteries can be unstable as coffins deteriorate, and headstones can be unstable and thus prone to fall. In addition, cemeteries can also be home to broken glass, trash, and rusted metal.

Due to the potentially hazardous nature of these sites, it is best to visit cemeteries with someone else, or at least let someone else know where you will be. You should always be aware of your surroundings, work with a partner, wear weather-appropriate clothing, work gloves, and sturdy footwear; apply sunscreen and bug spray; carry water; bring a cell phone; and keep a first aid kit on hand. These precautionary steps will make the cemetery visit more pleasant, productive and safe!

## A Note on Kindness and Respect

A cemetery is a place of reflection. It is important to treat burial grounds with respect. Furthermore, it is against Virginia law to destroy, damage, deface, or remove human remains, gravestones, or cemetery features such as fences, ornamentation, trees, and plants. Follow any posted rules of the cemetery in addition to these cemetery etiquette tips:

- Treat the cemetery with the respect.
- Supervise and clean up after yourself, children, and pets.
- NEVER sit, lean, or place items on markers or monuments (aside from any remembrances).
- Do not move or remove *any* part of a marker or monument.
- Do not remove memorial items placed on gravesites by other visitors including stones, coins, or other remembrances. NOT ALL remembrances “look” like remembrances.

- Do not remove decorative plantings from the cemetery or permanently introduce new plants.

It is important to become familiar with local, state, and federal laws pertaining to cemeteries. A list of relevant statutes is described at the end of this document.

Finally, remember that some of these cemeteries are still in active use. Appropriate dress, language, and behavior should be maintained. If there is an active funeral or mourners present, it is best to return on a day when your presence isn't an interruption or distraction.

# Developing a Cemetery Preservation Plan

Though it may be tempting to rush in to “fix” all that is visibly wrong in a cemetery, it is vital to create a written preservation plan before beginning any preservation work in a cemetery. A preservation plan outlines the goals and priorities of the preservation effort and can justify the reasons for any cleaning or conservation activities. Remember, even simply cleaning gravestones damages them. Without a plan, even well-intentioned cleaning or repair can cause damage. A suggested outline for a cemetery preservation plan follows.

## Cemetery Preservation Plan Outline

### 1. Introduction:

Write a short description of the proposed project and explain the need for the preservation effort.

### 2. History and Existing Conditions:

Include any historical background of the cemetery, including any information gleaned from deed records, genealogy sources, or other records. Be careful to include your sources. Finally, survey and document the current conditions of all cemetery features (more on this later).

### 3. Goals and Objectives:

Establish goals or broadly describe the issues the preservation effort will address. An example of a goal might be to develop an ongoing program to maintain existing historic features such as fences or walls or to prepare a landscape plan that will maintain the site's historic character.

Define objectives and propose solutions to the issues. Objectives should provide specific measurable outcomes of the preservation effort, e.g., to clean or stabilize a certain number of markers, repair a fence or clear an area of trash or overgrowth.

### 4. Methods:

Describe the specific actions that will achieve the objectives.

Justify the proposed actions and rank them in the order of priority. For each activity, identify who might assist, e.g., trained volunteers, untrained volunteers, professionals, etc., the supplies required, and any potential challenges.

### 5. Organization and Funding:

Identify who will be responsible for implementing the plan and identify potential funding sources to support the effort.

### 6. Evaluation:

Determine how success will be measured. The evaluation should provide a way to gauge the approaches' efficacy.

*Remember, this document will be provided to the cemetery owner in the hopes that they will partner with you on preservation efforts. The more clear, concise, and measurable the goals, the easier it will be for the landowner to understand.*

## Organization

Cemetery preservation efforts nearly always depend upon a team of dedicated volunteers. Recruitment of other community members and stakeholders is an important part of generating interest in the cemetery and the preservation program to be implemented there. Volunteers are indispensable for all aspects of a cemetery preservation effort, including initial planning, surveying, and documenting; assisting with cleanups and continuing maintenance; fundraising; and organizing educational activities. There are several established heritage preservation groups in Fairfax County that can assist in identifying potential volunteers. These include Fairfax County Cemetery Preservation Association (FCCPA), the History Commission, Friends of Fairfax County Archaeology and Cultural Resources (FoFA), local historical societies, and the Fairfax County Genealogical Society.

In addition, community service groups can be potential sources of volunteers. These might include local chapters of the Sons or Daughters of the American Revolution, Kiwanis Clubs, Lions Clubs, Rotary clubs, church groups, schools, Boy Scout and Girl Scout Troops, and veterans' associations. Additionally, many employers have designated volunteer hours or days for their employees. Although each of these organizations may not be able to provide hands-on support, they can potentially assist in outreach to other interested community members.

In the planning phase, it is important to assess the capabilities and time of the volunteer group realistically. Many volunteers are eager to help but are unaware of proper preservation procedures. When considering volunteers, you also must consider people trained to provide oversight of the volunteers. Within your timeline, be sure to account for time spent educating the group. Cemetery preservation workshops are valuable experiences for first-time volunteers. Finally, remember that much of this work can be physically taxing and weather dependent, and that you will be working around the time commitments of volunteers who may also have work, family, or other obligations. It is always better to overestimate the time a project will need than to feel rushed to complete a project.

## Developing a Budget and Funding Sources

Funding can be difficult to obtain for a cemetery preservation project. Even with an enthusiastic volunteer force, cemetery preservation projects will require funding for cleaning supplies, repair materials, and professional conservation services. For example, the Saving Graves Cemetery Preservation Alliance (<http://www.savinggraves.net/>) suggests budgeting at least ten cents per square foot for an initial preservation project. Cleaning, resetting, or leveling stones may cost \$25 to \$60 per stone. Other, more extensive repair or conservation issues will be more expensive. Therefore, it is critical to establish a budget and potential funding source prior to preservation

work's initiation. A cemetery preservation plan (as outlined above) is a key asset in approaching potential donors. It clearly states the goals of the project and demonstrates the dedication of the group.

When planning a fundraising effort, start locally. The cemetery owners are logically the first people to approach for funding; however, they may be limited in their ability to contribute.

Neighboring property owners may be willing to assist with funding to improve the cemetery's conditions, especially if it is overgrown and neglected. Neighborhood groups or homeowners' associations are likely to have interest in improving derelict cemeteries in their communities. Other potential funding sources include local businesses, chambers of commerce, other professional associations, and civic organizations.

Some potential donors may be unable to provide financial backing but could provide in-kind donations of things like trash bags, rakes, other landscaping equipment, gloves, buckets, and other necessary materials. Others might be willing to provide snacks and water. Having a list handy of those items your project will require allows people who don't have the material means to contribute to the effort in another way.

## Fundraising Strategies

Cultivating a base of donors is not easy. It takes patience and persistence. Below are some suggested strategies for fundraising:

- Be creative in fundraising efforts
  - Fundraise online using GoFundMe or another similar site
  - Use social media to engage people
  - Reach out to local restaurants about potential fundraising nights
  - Ask to set up a table at community fairs or flea markets
- Host educational/fundraising events in the cemetery to raise awareness.
- Develop outreach materials such as a brochure or website- include a link for donations!
- Approach local media to highlight your project
- Post a sign at the cemetery seeking donations- include the link to your website or a QR code that links to the fundraising page.
- Recognize and thank donors repeatedly.

## Nonprofit Organizations

To receive charitable donations and funding from private foundations or the government, a cemetery preservation group may need to form a nonprofit organization. Incorporating as a nonprofit requires an outlay of time and expense, but it provides access to additional funding

opportunities. Alternatively, a cemetery preservation group can affiliate with an existing nonprofit organization.

### Governmental Financial Incentives

The Code of Virginia § 10.1-2211.1- 10.1-2211.3 outlines how a person or persons may request funds from the Virginia Department of Historic Resources for historical graves associated with the Revolutionary and Civil Wars. Additionally, this code details how an individual or group can request funding for preservation efforts associated with African American Graves and Cemeteries. These disbursements are funded through the General Assembly's budget cycle. Groups should work with the Virginia Department of Historic Resources ([www.dhr.virginia.gov](http://www.dhr.virginia.gov)) to identify if assistance is available for a particular cemetery or what steps need to be taken to receive assistance, specifically the Cemetery Archaeologist in the Community Services Division.

## Research & Survey

Before developing a preservation plan, it is important to document the history and current condition of the cemetery. This documentation is the most important step in the process, as it will guide all further work. The process for survey and documentation generally follows the steps listed below and can be split by members of a group according to ability or interest:

1. Historical research
2. General cemetery survey
3. Individual marker survey
4. Cemetery map

Cemetery surveys and background research provide a record of the graveyard that informs the goals and objectives of the preservation effort. This information also provides future researchers a snapshot in time of a cemetery's condition and prevents doubling efforts in historical background research.

### Historical Research

Historical research for cemeteries can be daunting. However, more information may be available than you might think. Historical deeds are a great place to start your background research. These are available at the Fairfax County Circuit Court Historic Records Center at 4000 Chain Bridge Rd. in Fairfax (see Resource Guide at the end of this document). Historical deeds provide information regarding previous landowners and tenants, potential platted drawings of the cemetery boundaries, and legal boundary description of the parcel. However, it is important to remember that not all cemeteries, especially small family cemeteries or cemeteries of marginalized groups, are described in historical deeds.

Historic maps, especially historic parcel and road maps may be another source of cemetery information. Genealogical information, such as that held by [ancestry.com](http://ancestry.com) often contains references to burial locations. The Virginia Room of the Fairfax County Public Library has a subscription to [ancestry.com](http://ancestry.com) for library patrons to use on site free of charge. Where they have survived, family records, such as Bibles, diaries, oral histories, family bibles, and letters are possible sources for information on family burials plots. Churches, funeral homes, and memorial parks may maintain records that can provide information on burials. Other possible historical sources include newspaper obituaries, oral histories, death notices, mortality schedules, wills, chancery cases, military service records, death certificates, and monument makers' records.

Depending on the size and type of the cemetery you are interested in preserving, the amount of historical background information will vary. For small cemeteries, it is useful to have a chain of title for the property as far back as you can search. Further biographical or genealogical information can potentially help identify unmarked burials. The easiest way to present historical

background information is chronologically. Don't forget to include citations for the sources of your information.

## Overall Cemetery Survey

The purpose of an overall cemetery survey is to establish a reference point for information about the cemetery. This type of survey provides a general understanding of the landscape and topography, the cemetery's design and/or layout, and any significant built or natural features. The physical features of the cemetery should be recorded in a descriptive narrative and documented through photographs during the survey. Examples of features to include are:

- Topography, including the slope and elevation, if possible.
- Benches, planters, lighting, and other landscape features
- Any gates, fences, or hedges.
- Natural features such as bodies of water
- Circulation system of any paths or roads.
- Vegetation including trees, shrubs, and ornamental plantings.
- Organization (note family groups, general orientation etc.)
- Plot-defining features such as iron fencing, concrete curbing, gravel, etc.
- General indication of the number and variety of individual grave markers, as well as any vaults, mausoleums, or surface tombs.

During the survey it is important to remember that these places are sacred grounds, whether they appear as such or not. At this stage of work, the goal is simple recordation. Some cemeteries are so overgrown that the best time to visit is the winter when brambles and other vegetation have died back. Remember that a cemetery cleanup is a separate stage of work with its own strategies and guidelines (see next section).

## Survey Supplies

Before you begin your survey, you should be sure you have the appropriate supplies. These should include:

- Inventory Forms, online or paper, including extra copies in case of mistakes
- Clipboard (if using paper forms)
- Mechanical pencil
- Notebook
- Camera
- Personal care items such as sunscreen, bug spray, and poison ivy soap

## Cemetery Inventory Form

A cemetery inventory form is invaluable in allowing volunteers to record and organize survey information. Maintaining a photo log will assist in organizing the photos taken, especially if there are multiple volunteers with multiple cameras. A sample cemetery inventory form and photograph log are included in Appendix A. After fieldwork is complete, it is vital to develop an organizational system so that the information collected can be used for planning and preservation. A common organizational process is to assign each cemetery feature a unique identification number that will be included on all subsequent forms, photographs, and maps. If you use any shorthand or coding, be sure to include the key in your documentation!

The Archaeology and Collections Branch is developing a user-friendly, publicly available cemetery survey app for web-enabled mobile devices. For information on its release or use please see: [www.farfaxcounty.gov/parks/archaeology/cemeteries](http://www.farfaxcounty.gov/parks/archaeology/cemeteries)

## Individual Marker Survey

An individual marker survey is a significantly more time-consuming than an overall survey. Depending on the cemetery's size, this type of survey may be an ongoing project that coincides with other phases of work. During this type of survey attributes and existing conditions of each marker in the cemetery are recorded, photographed, and mapped. Recorded attributes include:

- Identification number (assigned by surveyor).
- Location of marker within the cemetery.
- Type of marker (headstone, footstone, vault, obelisk, funeral home marker, etc.).
- Size of marker.
- Material(s) (sandstone, marble, granite, slate, zinc, fieldstone, wood, concrete, etc.).
- Name of the deceased and death date.
- Transcription of tombstone engraving.
- Name of the carver, if known.
- Description of any ornamental carvings or motifs.
- General condition of the marker.
- Specific problems (fallen, tilted, cracked, flaking, etc.).
- Associated features (urns, fences, statuary).
- Any memorial items left on the grave (pennies, stones, etc.).
- Photographs of all sides (and details if necessary).

## Cemetery Map

An accurate cemetery map is an invaluable tool for drafting and implementing any preservation plan. When available, historic maps can be used as a background for creating the cemetery map, but all information should be field verified and updated to reflect current conditions. Maps can be hand-drawn using grid paper and a pencil or can be produced using computer-based mapping software such as GIS or CAD. [Hand drawn maps should include a north arrow.] The cemetery map should include all natural and landscape features noted in the general cemetery survey including buildings, roads, natural features, maintenance features such as spigots, utilities such as power or telephone poles, and any paths or roads. The map should also show the location and orientation of each marker. It is helpful to use simple symbols to signify different monument types or landscape features. Remember to provide a key!

## Photography

Though a bit awkward, photos should be taken from near-surface level. Also, photos should be taken when a high contrast of light and shadow provides sharpness and clarity to inscriptions and sculptural relief. The best photos are generally achieved early or late in the day, with light cloud cover or by using a strong flashlight pointed across the inscriptions or carvings. Additionally, after a rain when the stones are wet, carvings can appear more legible. Each marker should be assigned a unique identification number used to identify any forms and photographs in the log that can be cross-referenced to the map. This way, survey information, and associated photographs can easily be stored and retrieved either using an index or database.

## Note on Gravestone Rubbings

Gravestone rubbing is the process of duplicating a gravestone's engraved inscription and motif on paper by rubbing chalk, crayon, or charcoal over it. While rubbing may seem harmless, it *can* damage the tombstone. Rubbing creates friction and pressure, which hastens the natural erosion of the inscription that occurs with exposure to weather. Fragile tombstones are especially susceptible to this type of damage. Additionally, rubbings also leave remnants of wax or charcoal on the tombstone. Conservators have determined that headstone rubbings are not recommended, nor should one use shaving cream or any other substance aside from water to try to discern an inscription. Luckily, high-resolution digital photography's widespread use is a safe alternative to rubbing that allows a surveyor or visitor to record the inscription. Photo-editing software allows users to modify light balance, contrast, and sharpness which can assist in clarifying a difficult-to-read inscription.

## Other Survey Types

While the overall survey, individual marker survey, and preparation of a cemetery map can be carried out by volunteers, specific vegetation and archaeological surveys require professional assistance.

During the general survey, the surveyor may have noted the locations of prominent plantings, such as trees and shrubs. A more intensive vegetation survey may reveal historic/heirloom plantings near gravestones or interspersed throughout the cemetery. In overgrown and unkempt cemeteries, it may be difficult to differentiate between successional forest, undergrowth and weeds and those plants intentionally designed to memorialize the burial place. A plant historian, master gardener, or horticulturalist will be able to identify character-defining vegetation that should be preserved and documented. A plant expert can also advise on the proper care of trees and plantings.

Another type of survey that requires professional assistance is an archaeological investigation. An archaeologist may be able to assist in identifying unmarked graves, using techniques such as soil compaction tests, or remote sensing approaches such as light detection and ranging (Lidar) and ground-penetrating radar (GPR). Archaeological investigations can also assist in defining the boundaries of a cemetery plot or identifying buried landscape features, such as foundations, pathways, and walls by conducting limited testing to find the extent and orientation of graves. **Archaeological investigation in cemeteries or graveyards requires a Virginia Department of Historic Resources permit.**

### Discovery of Human Remains

While uncommon, it is possible that you may encounter human remains. Should this occur, do not move, or remove them. Call the police non-emergency number. They will be in contact with the coroner, who will contact the Virginia Department of Historic Resources if necessary. VDHR will then work with the community or family to make a reinterment plan.

# Cemetery Clean Up and Simple Preservation Techniques

The progression of surveying, documenting, and creating a cemetery preservation plan is central to identifying basic preservation issues and planning for action. The single best preservation action is routine maintenance. Regardless of preservation or maintenance issues, there are a few rules that must be followed in determining the next steps:

- **First, do no harm:** use the gentlest and least intrusive methods available. If you are unsure about a course of action, consult a professional.
- Do nothing that cannot be undone.
- All work should retain and preserve the historic character of the cemetery.
- Do not remove memorial items placed on grave sites by other visitors including stones, coins, or other remembrances. NOT ALL remembrances “look” like remembrances.
- Whenever possible, repair rather than replace damaged historic features.
- Always assume unmarked graves exist and that even marked graves may be closer to the surface than you imagine. ***Avoid ground disturbing activities.***
- Document all changes before and after.

Documenting every change through written records, maps, photography and/or drawings will guarantee an accurate record of the work undertaken and is invaluable to future researchers and conservators.

## The Initial Cleanup

Before any other preservation activity occurs, a simple clean-up of overgrown or abandoned cemeteries can prove transformational. Depending on the size of the cemetery, this type of work can often be accomplished by a group of supervised volunteers in a few days or a few hours. The cleanup should include resolving immediate safety concerns, picking up litter and trash, careful mowing, and removing or trimming overgrown brush. The purpose of an initial cleanup is not to achieve a perfectly landscaped appearance but to stabilize the cemetery so that you can plan for further work. In general, the following guidelines apply:

- Do not remove any trees, shrubs, vines, flowers, or groundcovers that may have been planted as memorials. If you’re unsure, leave it.
- Consider obtaining the services of a plant expert to identify weeds and historic plantings during the initial cleanup.
- **Do not** move any fallen markers or fragments of broken markers, fieldstones, or remembrances such as stones, coins, cups, bottles, etc. —leave these in place for now. Information regarding the location, style, or layout of the cemetery could be lost if the markers are moved

- If the cemetery has been vandalized, requesting local law enforcement to occasionally monitor the cemetery may help with security.

## Landscape and Vegetation

Interior transportation features such as roads, driveways, and walkways should be maintained whenever possible. Even small changes can create unintended erosion due to runoff. While some original courses of the roads or paths may have changed, whenever possible, the original alignment, width, contours, and paving materials of the circulation system should be maintained.

Only qualified civil engineers or landscape architects should oversee the repair and restoration of major landscape features such as walls, large lighting fixtures, swales, or drainages. Damaged secondary fixtures such as gates, burial plot enclosures e.g., pipe and block, fences, benches, or non-memorial statuary should be repaired using the same or similar materials. Generally, these projects are best suited for conservation professionals or at least under the advisement of such professionals.

Vegetation, including grass, trees, shrubs, vines, flowers, and ground cover, are distinctive features of a cemetery. Trees and plants like magnolias, oaks, dogwoods, boxwood shrubs, roses, azaleas, lilies, daffodils, periwinkle, and English ivy were often planted as memorials due to their symbolism or beauty. Before removing plants, consider if they contribute to the historic character of the cemetery. If memorial plants or historic plantings are not threatening markers or other cemetery features, they should be preserved. If plants are contributing to the damage, they should be cut back. Broad-spectrum herbicides should be used only very sparingly and should NEVER be sprayed directly adjacent to stones.

## Regular Landscape Maintenance

The following tips for regular landscape maintenance will enhance the appearance of the cemetery and assist in its long-term preservation:

- Do not mow immediately next to markers. Accidental collision is a common cause of damage.
- Install a plastic blade guard on the lawnmower.
- Use caution with string trimmers/weed eaters—the nylon thread can scar markers.
- Use hand-held clippers to trim vegetation around markers.
- Do not use herbicides or fertilizers around markers, the chemicals can destroy stones over time.
- Remove dead trees or branches. Do not grind stumps! Leave the stump or clearcut it to ground level.
- Prune overgrown shrubs or vines.

- Remove small scrub trees and shrubs by cutting them flush to the ground and spot treating with herbicide where needed.
- Do not burn brush around the cemetery!
- Have a professional arborist assess your trees in the spring to see if any need trimming before hurricane season.

If a caretaker or landscape service is hired or volunteers are enlisted to maintain the cemetery, they should be informed of proper care techniques. This manual is one of many references available. See the References section in this document for further resources.

## Gravestone Cleaning

Over time, gravestones acquire a patina, or surface deposits that show evidence of the stone's age and is often confused with dirt but is simply a mark of age. Gravestone cleaning must be carefully considered. Cleaning techniques designed to make stone look like new both detract from the cemetery's history and can damage the stone beyond repair. Even done gently, cleaning erodes away a thin layer of stone, making the marker vulnerable to erosion and decay. Therefore, gravestone cleaning should **only** be done when surface soiling, atmospheric pollution, or biological growth is causing deterioration of the stone. These conditions can harm gravestones in several ways:

- Trace chemicals, whether airborne or from the soil (such as fertilizers, road salt, etc.) can soak into soft stones and change their chemical composition, causing chipping, spalling, or powdering.
- Algae, lichen, and fungi can be hazardous to gravestones as they can trap moisture beneath the surface which can lead to weathering and spalling. They also secrete acids that dissolve certain stone types.
- Ivy, ferns, and moss have roots that can penetrate stone and break it apart or create cracks that can speed freeze/thaw breaks.

Soil, pollution, or biological growth that is damaging the stone should usually be gently removed. However, if the stone is unstable, its surface is grainy, powdery, or crumbling, the stone is cracked, or the stone is separating into flakes, **do not** attempt to clean the stone! Consult a professional for advice.

## Recommended Cleaning Procedure

Required Tools:

- A source of running water. Gravestone cleaning requires a constant source of clean water. A garden hose is ideal.

**Do not use high velocity spray nozzle attachments or power washing systems.** Pump sprayers such as those used for garden herbicide and pesticide spreading are useful for areas that do not have running water, but it is important that they have not been used for chemical applications in the past.

- Plastic buckets or pails and spray bottles (again, clean of any chemical residue).
- Soft, wooden-handled natural bristle brushes in a variety of sizes (these are readily available from online retailers if not locally available). Wooden handles are less likely than plastic to damage stones.
- Wooden Popsicle or craft sticks (available in many craft stores or online retailers).

Procedure:

- *Before cleaning*, test the treatment on a small, hidden portion of the gravestone; wait a few days to evaluate the result. If the treatment causes the stone to become unstable (i.e. breaking apart, powdering or crumbling), do not proceed!
- Cut any vines or plants growing from the gravestone off at the base using a pruning shears. If dealing with English Ivy, a two-inch section removed from the vine will cause the section above the roots to die. If the vine is large, apply an herbicide with a small paintbrush to the exposed plant. *Do not allow the herbicide to touch the gravestone.* Allow the chemical to kill the plant; this may take a few days.
- *Lightly* scrape any loose biological growth (including lichen, mosses, and algae) off the gravestone using a wooden craft stick. Do not pull or yank plants from cracks in the stone or dig at the plants; they may require wetting to become loose. Thoroughly wet the entire stone with running water from a hose. Waiting until after a few days of rain is even better!
- Continue to use a popsicle stick to clear away remaining biological growth. A small brush can also help remove biological growth or dirt from recesses in the stone. Remember, all biological material may not come off, which is ok.
- Gently scrub the stone with a soft natural bristle, wooden-handled brush.
- Rinse the brush and the stone frequently with clean water—never use a dry brush on a dry stone. Always use clean water to avoid rubbing grit across the surface of the stone.
- Clean the marker on all sides from top to bottom to avoid stains and streaks.
- When finished brushing, rinse the stone thoroughly with running water.
- Allow the gravestone to dry.

There are several pitfalls that should always be avoided during gravestone cleaning:

- Do not attempt to clean any stone that is fragile or unstable.
- Do not attempt to return the gravestone to its original brightness.
- Do not clean the stone if there is a possibility of freezing temperatures in the next 24 hours.
- Do not use household soaps, detergents, cleaners, bleach, or harsh commercial grade cleaners to clean gravestones.
- **Do not pressure wash or sandblast gravestones.**
- Do not use wire brushes or metal tools.
- Do not apply sealants to gravestones to prevent future soiling or growth. Sealants trap moisture inside the stone, which leads to deterioration.
- Do not clean tombstones frequently; a single cleaning lasts many years.

Cleaning should be no more frequent than once every five years, as the process of cleaning is often worse than the damage that could be caused by biofilms such as algae, lichen, fungi and moss in the same timeframe.

If water and gentle brushing fail to remove the pollution or biological materials, remember that it is normal and expected for a historical marker to have the patina of age. If the stone needs more than water for cleaning, reach out to a conservator.

### Marker and Monument Repairs

More serious but common preservation issues regularly found in historic cemeteries include missing headstones, sunken markers, fallen-over markers, tilted markers, and markers with cracks or missing pieces. These issues are illustrated below with a brief description of the recommended preservation technique. The repair and reconstruction of fallen, tilted, or broken markers is best left to a professional stone conservator or a vetted monument company that has a record of working with historic cemeteries and softer stone types. A knowledgeable conservator should follow several criteria for marker or monument repair. Examples are provided below to assist non-professionals in evaluating potential consultants.

- The repair should respect the historic character of the marker.
- The repair should be made with the original material type or a compatible similar type.
- The repair material (i.e., mortar or adhesives) should be softer/weaker than the original stone.

### Resetting Gravestones

Sunken, tilted, or toppled markers are common problems in older cemeteries. Large, heavy gravestones tend to sink into the ground over time, which can cause stones to shift from their

bases, lean or tilt. In extreme cases, a gravestone may become dislodged from the ground completely. Additionally, vandals have been reported to knock over gravestones. Resetting a gravestone involves stabilizing the base so that the marker stands upright and square to the ground. Only a stone that poses an immediate threat to the safety of visitors or is at risk of being broken because of its extreme angle should be reset. *It is not advisable to reset a stone to correct a minor tilt.* Resetting should be performed by a professional conservator and work crew.

Gravestones can be **extremely** heavy and may require lifting supports such as winches or other safety measures to reset. Frequently there is much more stone below ground than one might guess, making them unexpectedly awkward to lift and reset. Monuments that are not secured safely can severely injure workers. Always use caution when attempting to move a stone; treat all gravestones as if they are fragile.

In most cases, to reset a stone, a conservator will excavate a shallow area around the stone or remove the stone from the ground entirely. One side of the excavation is left compact and is used as the level to which the other will meet. The conservator will prepare a base for the tombstone, typically of brick, if the bottom of the gravestone is pointed. A solid base will distribute the weight of the gravestone evenly, preventing it from sinking or tilting in the future. The gravestone is then replaced on the base, and the excavation is filled with a layer of gravel to assist with drainage and topped with compacted soil.

## Resetting Broken Gravestones

Gravestones that have snapped at ground level cannot be reset in their original bases. One solution to this problem is to create a new base out of concrete for the fragmented stone. The new base is generally a poured concrete box set within the ground with a slot created for the tombstone fragment. However, please note that the gravestone should **not** be set directly into the concrete! Instead, after the concrete base has set, the conservator will apply a mortar mix to retain the stone in the slot. This mortar should be softer than the stone, so any failure is likely to occur in the mortar rather than the stone, thus preventing the stone from breaking again. An example of a 'soft' mortar is a 1:3 mix of natural hydraulic lime and sand; however, a professional conservator will develop an appropriate mix based on the stone type.

## Unmarked Burials or Missing Markers

Open areas of a cemetery often contain unmarked burials or graves missing their markers. The presence of unmarked graves may be suggested by historic documentation, such as burial plats, cemetery records, church records, death certificates, or oral histories. Other unmarked graves or missing markers indications include depressions or mounds and gaps in rows or clusters of markers. Certain plants or stones can also indicate unmarked graves.

Probing is a simple technique that can be used by trained archaeologists to locate fallen or broken markers that have been buried underground. Prioritize small areas of the cemetery where historical documentation, a void in a row of tombstones, or depressions suggest markers may

have once stood. Archaeologists may use a short probing tool used carefully so as to not penetrate the burial chambers. Probing requires a methodical, patient approach by testing in intervals following a grid. When an archaeologist encounters a hard object, they'll mark the spot with a flag. Later, careful digging by hand may reveal the buried gravestones or gravestone fragments. Although it is a seemingly simple technique, probing requires practice to distinguish between potential gravestones and other underground features and to ensure harm does not come to burial chambers or the deceased. Probing should only be done by professionals. For larger areas of a cemetery, obtain the services of a professional archaeologist who can employ techniques such as GPR and/or other remote sensing methods to identify sunken features or unmarked graves.

## Masonry Repairs

Repair of broken gravestones, markers, tombs, or other monuments should only be made by qualified conservators, sculptors, or masonry professionals familiar with the characteristics of old gravestones and their materials.

Different mortars, adhesives, and/or repair techniques are used to repair historic gravestones versus more recent markers. In general, it is best to start with the least complex repair first. A few examples of repair scenarios include:

- Broken upright tablets that are otherwise structurally sound. These can sometimes be threaded with nylon, fiberglass, titanium, or stainless-steel dowels for reinforcement. Padded and coated metal frameworks can be built to support the stone without hiding important information carved into the stone. The stone is not attached and can be removed from the frame if necessary.
- Internally weak sandstone markers may sometimes be reinforced by carefully injecting appropriate bonding material between the delaminating layers of the stone. Alkoxysilanes can be used by conservators to reinforce deteriorating sandstones.
- Cracks or voids can be filled with mortars that contain lime, cement, and stone dust, creating a similar appearance to the original material.
- Missing fragments can be replaced using mortar infill to approximate the original shape of the monument.

Appropriate repair techniques will depend on the stone type and condition. A knowledgeable conservator will identify the special requirements of historic materials and the problems they present. However, familiarity with conservation processes is important in evaluating a professional's proposal. Below are some examples of inappropriate repairs that should be avoided:

- Laying broken gravestones on the ground in lieu of repair.
- Setting broken gravestone fragments directly in concrete.

- Binding gravestone fragments with Portland cement, epoxies or other material.
- Reinforcing gravestones with metal braces.
- Applying sealants to the surface of gravestones.

If a gravestone is damaged beyond repair and is threatened by further deterioration, it may be appropriate to remove the stone (or fragments) from the graveyard and curate it in an archival collection. This should **only** be done where arrangements can be made for proper storage or display and with the consent of involved parties, including the cemetery owner and/or caretaker and descendants if possible. The replacement should be clearly identified as a substitute. Removing or replacing a stone should be a last resort as it takes away from the historic integrity of the cemetery.

## Repointing

In addition to gravestones, other masonry structures in the cemetery such as retaining walls, tombs, vaults, columbaria, and mausoleums are also susceptible to deterioration and may require repair or repointing.

Repointing is the process of cleaning loose mortar from a deteriorated joint and replacing it with new mortar. The mason doing the repair should test the mortar and match the original mortar type. This is **critical!** The mortar used on historic stone must be flexible enough to allow for the natural movement of the brick or stone while still maintaining its bond. A strong, modern mortar is almost always inappropriate for historic masonry structures and can damage the structure's integrity. Using a more flexible "softer" mortar will allow any potential damage caused by stress or movement to occur in the mortar joint rather than the stone or brick itself.

## Selecting a Conservator

Selecting a professional to assist with conservation and repair is an important decision. If a conservator is inexperienced, uses inappropriate techniques or materials, or cuts corners to reduce cost or save time, the results can cause irreversible damage to significant cemetery features. Conversely, an experienced conservator knowledgeable about appropriate techniques and materials and sensitive to historic concerns can be a vital partner in a cemetery preservation project. To choose a conservator, and make sure the conservator's training and area of expertise are appropriate for your needs, you should ask for references and photographs, reports from previous work, and ask questions about similar projects they may have completed. Prior to requesting bids for your cemetery preservation project, it is important to develop a written request for proposal that describes your project and objectives in writing.

Remember that the cost should never be the sole determining factor in selecting a conservator. Higher priority should be given to subjective criteria such as experience, qualification, and the proposed treatment method. If the cost is prohibitive, consider implementing the cemetery

preservation project in phases, first addressing the most urgent needs. Most conservators will work with you to scope a project in phases.

To find a conservator, you can call the American Institute for Conservation at 202-452-9545, or use their “Find a Professional” tool at: <https://www.culturalheritage.org/about-conservation/find-a-conservator> While there may not be a conservator local to you, frequently they are willing to travel for projects and may schedule a number of projects regionally.

Finally, the Virginia Department of Historic Resources employs a professional conservator who may be able to assist you in finding the right professional for your job. State Conservator Katherine Ridgway can be reached at 804-482-6442 or [katherine.ridgway@dhr.virginia.gov](mailto:katherine.ridgway@dhr.virginia.gov)

## Contractor Checklist

When selecting a conservator, consider the following items:

### Conservator Qualifications

- Location and scope of practice.
- Conservation experience.
- Recent projects, similar projects, approximate budgets, and other pertinent information.
- Additional details, including descriptions and photographs, about comparable projects.
- Qualifications of all project personnel, including professional experience and academic training.
- Membership in professional organizations, or continuing education.
- References

### Project Methodology

- Does the conservator demonstrate a clear understanding of the project?
- Is the work plan realistic, thorough, and of high quality?
- Do the proposed techniques follow best practices?
- Is the proposed treatment method reversible?
- Does the proposed schedule meet your needs?
- Is the cost in line with your specifications and within your budget?

Finally, like any other contracted work, the conservator should be easy to communicate with, provide a clear timeline and payment schedule, and be insured.

# Maintenance & Community Stewardship Education

Congratulations! You have identified a cemetery that needs help with preservation, established its ownership, and obtained permission to care for it. You've created a cemetery preservation plan, organized a cemetery preservation group or a group of stakeholders, and obtained funding for the effort. Further, you've researched the cemetery's history, surveyed its significant features, conducted an initial cleanup, improved, or restored the landscape and vegetation, and cleaned and repaired the gravestones where needed. At this point, the cemetery restoration project may seem complete, but cemetery preservation is a continual process.

Once a cemetery has been restored, it is time to plan for its long-term upkeep. If not, all the hard work that went into the preservation effort will be undone over time. At this point, volunteers and funding are still needed to maintain the landscape, mow the grass, repair gravestones, and provide security. One of the best ways to ensure a cemetery's continuous maintenance is through community awareness. These efforts will promote pride in the community and its history, which in turn will lead to broader support for the long-term protection of cemeteries in general. The best part is that these are generally inexpensive and run by volunteers.

## Cemetery Activities

There are numerous activities that can generate interest and support for a historic cemetery. Historic preservation groups across the country have created a wide variety of community awareness-building activities. These include tours, special events, projects, and the creation of informational materials. A few examples are provided below:

- Conduct tours focused on a wide range of topics including local history, prominent people buried in the cemetery, sculpture, horticulture, tombstone inscriptions, and cemetery iconography.
- Offer presentations of the cemetery restoration efforts and demonstrations of proper cemetery preservation techniques.
- Host watercolor, drawing, or photography workshops.
- Observe holidays such as Veteran's Day, Memorial Day, Dia de los Muertos, Juneteenth, etc.
- Erect an interpretive or educational sign or display.
- Design a web site for the cemetery.
- Host school field trips and/or develop a lesson plan based on the cemetery. Neighboring schools may opt to adopt the cemetery as part of a history project.
- Establish an "Adopt a Cemetery" or "Adopt a Plot" program.
- Develop a volunteer program or community cleanup days.

- Engage genealogists to create family trees for the interred.
- • Develop the cemetery as an “arboretum” by labeling the species of old trees and plants. Create a “Friends of the Cemetery” group.

The possibilities for cemetery activities are endless—be creative and tailor the tours, special events, projects, or materials to the community’s interests.

Ideally, your community’s cemeteries become a part of the fabric of your community. They are cared for by the community, for the community, in perpetuity.

## Glossary of Cemetery Terms

This glossary of cemetery terms is a modified version of the glossary provided by the National Park Service in its *Guidelines for Evaluating and Registering Cemeteries and Burial Places* (available online: <http://www.nps.gov/nr/publications/bulletins/nrb41/>). Additional definitions were provided by the Indiana Division of Historic Preservation and Archaeology's *Glossary of Cemetery Related Terms* (available online: <http://www.in.gov/dnr/historic/3748.htm>).

**Altar tomb:** A solid, rectangular, raised tomb or grave marker resembling ceremonial altars of classical antiquity and Judeo-Christian ritual.

**Bevel marker:** A rectangular grave marker, set low to the ground, having straight sides and uppermost, inscribed surface raked at a low angle.

**Burial axis:** The directional "line" that follows along the length of the body in a burial.

**Burial ground:** Also "burying ground;" same as "graveyard" (see below).

**Burial cache:** A place of concealment for burial remains and objects.

**Burial mound:** A mass of earth, and sometimes stone or timber, erected to protect burial chambers for the dead.

**Burial site:** A place for disposal of burial remains, including various forms of encasement and platform burials that are not excavated in the ground or enclosed by mounded earth.

**Cairn:** A mound of stones marking a burial place.

**Carving:** Ornamentation made in gravestones by cutting into the stone.

**Cemetery:** An area set aside for burial of the dead.

**Cenotaph:** A monument, usually of imposing scale, erected to commemorate one whose burial remains are at a separate location; literally "empty tomb." These were sometimes used to memorialize people who were lost at sea or in a battle.

**Chapel:** A place of worship or meditation in a cemetery or mausoleum, either a freestanding building or a room set apart for commemorative services.

**Cinerary urn:** A receptacle for cremation remains, or ashes, in the shape of a vase.

**Columbarium:** A vault or structure for storage of cinerary urns.

**Coffin:** A box for holding a body at burial, made of wood, metal, or concrete.

**Coping:** A narrow ornamental thickening and overhang of the margin of the top of a gravestone.

**Crematorium:** A furnace for incineration of the dead; also crematory.

**Cremation area:** An area where ashes of the cremated dead are scattered or contained.

**Crypt:** An enclosure for a casket in a mausoleum or underground chamber, as beneath a church.

**Deed:** A written legal document by which title to land is conveyed.

**Epitaph:** An inscription on a grave marker identifying and/or commemorating the dead.

**Exedra:** A permanent open air masonry bench with high back, usually semicircular in plan, patterned after the porches or alcoves of classical antiquity where philosophical discussions were held; in cemeteries, used as an element of landscape design and as a type of tomb monument.

**Exhumation:** The removal of a body from a grave.

**Family cemetery:** A small, private burial place for members of the immediate or extended family; typically found in rural areas, and often, but not always, near a residence; different from a family plot, which is an area reserved for family members within a larger cemetery.

**Family stone:** A gravestone that marks the entire family's plot, not a particular individual's grave. Sometimes, a family stone will have the names and dates of the individuals carved on it, but there will usually be separate stones.

**Flush marker:** A flat, rectangular grave marker set flush with the lawn or surface of the ground. This style of marker is sometimes called a slab or ledger.

**Footstone:** A flat, slab-like stone marker placed at the foot end of a grave. Footstones are used only in conjunction with headstones and are considerably smaller and less ornate.

**Gatehouse:** A building at the main entrance to a cemetery that is controlled by a gate; a shelter or habitation for the gate keeper.

**Grave:** A place or receptacle for burial.

**Grave, Mass:** A grave where many individuals are interred together.

**Grave, Outlying:** A grave that is located well away from others.

**Grave curb:** A low border of stone or concrete surrounding a grave or burial plot.

**Grave fence:** A fence completely surrounding the grave.

**Grave offering:** Any item sacrificed or donated at a grave.

**Grave rail:** A bar of wood or metal placed along the burial axis of a grave. Grave rails typically form a pair with one on each side of the grave.

**Grave shelter:** A rectangular, roofed structure usually of wood, covering a gravesite, enclosed by boards or slats or supported by poles; in tribal custom used to contain burial offerings and shelter the spirit of the dead; also grave house.

**Gravemarker:** A sign or marker of a burial place, variously inscribed and decorated in commemoration of the dead.

**Graveyard:** An area set aside for burial of the dead; a common burying ground of a church or community.

**Headstone:** An upright stone marker placed at the head of the deceased; usually inscribed with demographic information, epitaphs, or both; sometimes decorated with a carved motif.

**Iconography:** An artistic theme or representation on a gravemarker such as a rose, cherub, or urn-and-willow to express meaning. Also known as Imagery or Motif.

**Indigent Cemetery:** A place for the burial of indigent or anonymous persons. [See Potter's Field]

**Inscription:** The writing on a gravemarker. The inscription typically contains biographical information about the deceased.

**Interment:** A burial; the act of committing the dead to a grave.

**Layout:** The spatial organization of a cemetery.

**Ledger:** A large rectangular gravemarker usually of stone, set parallel with the ground to cover the grave opening or grave surface. [Also known as flush marker or slab.]

**Lych gate:** Traditionally, a roofed gateway to a church graveyard under which a funeral casket was placed before burial; also lich gate; commonly, an ornamental cemetery gateway.

**Mausoleum:** A monumental building or structure for burial of the dead above ground; a "community" mausoleum is one that accommodates a great number of burials.

**Memorial park:** A cemetery of the 20th century, cared for in perpetuity, by a business or nonprofit corporation; generally characterized by open expanses of green with either flush or other regulated gravemarkers; in the last half of the 19th century, those with flush markers were called "lawn" cemeteries.

**Monolith:** A large, vertical stone gravemarker having no base or cap.

**Monument:** A structure or substantial gravemarker erected as a memorial at a place of burial.

**Mortuary:** A place for preparation of the dead prior to burial or cremation. Also known as funeral home

**Motif:** An artistic theme or representation on a gravemarker such as a rose, cherub, or urn-and-willow to express meaning.

**National cemetery:** One of 130 burial grounds established by the Congress of the United States since 1862 for interment of armed forces servicemen and women whose last service ended honorably.

**Obelisk:** A four-sided, tapering shaft having a pyramidal point; a gravemarker type popularized by romantic taste for classical imagery.

**Orientation:** The direction of the burial axis of a grave.

**Ossuary:** A receptacle for the bones of the dead.

**Peristyle:** A colonnade surrounding the exterior of a building, such as a mausoleum, or a range of columns supporting an entablature (a beam) that stands free to define an outdoor alcove or open space.

**Pet cemetery:** An area set aside for burial of cherished animals.

**Plot:** A section of a cemetery exclusively devoted to an individual, family, or other ethnic or social group.

**Potter's field:** A place for the burial of indigent or anonymous persons. The term comes from a Biblical reference: Matthew 27.7.

**Receiving tomb:** A vault where the dead may be held until a final burial place is prepared; also receiving vault.

**Rostrum:** A permanent open air masonry stage used for memorial services in cemeteries of the modern period, patterned after the platform for public orators used in ancient Rome.

**Rubbing:** A means of obtaining a copy of an inscription on a gravestone by placing paper over the surface and rubbing it with charcoal or a pencil. Although it provides an accurate copy of the inscription, rubbing can damage the surface of the stone and is **not** recommended.

**Sarcophagus:** A stone coffin or monumental chamber for a casket.

**Sepulcher:** A burial vault or crypt.

**Sexton:** Traditionally, a digger of graves and supervisor of burials in the churchyard; commonly, a cemetery superintendent.

**Shelter house:** A pavilion or roofed structure, frequently open at the sides, containing seats or benches for the convenience of those seeking a place to rest; erected in rustic and classical styles to beautify a cemetery landscape.

**Slab:** Any grave marker that is essentially a thin, flat piece. Slabs can be made of any material, but are usually wood, stone, or concrete.

**Slant marker:** A rectangular grave marker having straight sides and inscribed surface raked at an acute angle.

**Table marker:** A rectangular grave covering consisting of a horizontal stone slab raised on legs, which sometimes are highly elaborate; also "table stone" or "table tomb"

**Tablet:** A rectangular grave marker set at a right angle to the ground, having inscriptions, raised lettering or carved decoration predominantly on vertical planes, and top surface finished in straight, pedimented, round, oval, or serpentine fashion.

**Tomb:** A burial place for the dead.

**Tomb recess:** A niche or hollow in a wall that shelters a tomb.

**Tympanum:** The semicircular decorated face at the top of a tombstone.

**Vault:** A burial chamber, commonly underground.

**Veterans' cemetery:** A burial ground established for war casualties, veterans, and eligible dependents.

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# Appendix A

## County Resources

### *Fairfax County Circuit Court Historic Records Center*

**Phone:** 703-246-4168 (TTY 711)

**Email:** CCRHistoricRecords@fairfaxcounty.gov

**Web:** <https://www.fairfaxcounty.gov/circuit/historic-records-center>

**Address:** 4000 Chain Bridge Road, Suite 1600  
Fairfax, VA 22030  
*By Appointment*

### *Fairfax County Public Library, Virginia Room*

**Phone:** 703-293-6227 option 6 (TTY 711)

**Email:** va\_room@fairfaxcounty.gov

**Web:** <https://www.fairfaxcounty.gov/library/branches/virginia-room>

**Address:** 10360 North Street  
Fairfax, VA 22030

## State Resources

### VDHR

<https://www.dhr.virginia.gov/archaeology/cemetery-preservation-frequently-asked-questions/>

<https://www.dhr.virginia.gov/cemetery-newsletter-content/new-tool-report-a-cemetery-to-dhr/>

<https://www.dhr.virginia.gov/cemetery-workshops/>

<https://www.dhr.virginia.gov/archaeology/burial-permit-for-relocation-of-human-remains/>

## Training Resources

Several organizations offer training in proper cemetery preservation techniques, including:

- The National Center for Preservation Technology and Training (<http://www.ncptt.nps.gov/>);
- The Association for Gravestone Studies (<http://www.gravestonestudies.org/>);
- The Association for Preservation Technology International (<http://www.apti.org/>); and
- The National Preservation Institute (<http://www.npi.org/>).

## Informational Resources

For more information on registering cemeteries in the National Register of Historic Places, see the Guidelines for Evaluating and Registering Cemeteries and Burial Places by Elisabeth Walton Potter (National Park Service, 1992), Available online: <http://www.nps.gov/history/nr/publications/bulletins/nrb41/>.

# Federal and State Historic Preservation and Cemetery Laws

*Note: The listing below does not comprise all historic preservation laws. However, this listing does include several that directly pertain to land use in Virginia and the operation of local governments. For legal advice, please see an attorney well-versed in these matters. This document does not constitute legal advice.*

## Federal Laws

### *Section 106 of the National Historic Preservation Act [16 U.S.C. 470f]*

**Law Applies To:** All Federally Funded, Permitted, or Licensed Undertakings Regulating Agencies: Virginia Department of Historic Resources (DHR) & Advisory Council on Historic Preservation

**Who is Responsible for Compliance:** The Sponsoring Federal Agency or its Designee Section 106 of the National Historic Preservation Act and its implementing regulations in 36 CFR Part 800 require Federal agencies with jurisdiction over a Federally funded, permitted, or licensed undertaking to take into account the effects of the Federal agency's actions on properties included in or eligible for inclusion in the National Register of Historic Places and, prior to approval of the undertaking, to afford the Advisory Council on Historic Preservation a reasonable opportunity to comment.

The State Historic Preservation Officer, who in Virginia is the director of DHR, coordinates state participation in the implementation of the law and is a key participant in the Section 106 review process. DHR performs the primary review and provides guidance to Federal agencies and their designees in carrying out their responsibilities. 36 CFR 800 requires that local governments are given an opportunity to comment on a project as a consulting party.

**For more information, see the ACHP's website at:** <http://www.achp.gov/work106.html> or the publication *A Citizen's Guide to Section 106 Review* at <http://www.achp.gov/docs/CitizenGuide.pdf>.

### *National Environmental Policy Act (NEPA) [42 U.S.C. 4321]*

**Law Applies To:** All Federal Undertakings. Regulating Agencies: Environmental Protection Agency and the Council on Environmental Quality

**Who is Responsible for Compliance:** The Sponsoring Federal Agency Under the National Environmental Policy Act (NEPA) and its implementing regulations codified in 40 CFR Parts 1500-1508 Federal agencies must broadly consider the impacts of their activities on the environment, including historic properties. Although NEPA is a separate authority from the NHPA, it addresses some of the same concerns as Section 106.

The ACHP has published a handbook that provides practical advice on how to integrate the NEPA and Section 106 processes. The handbook can be obtained at <http://www.achp.gov/nepa106.html>.

### *Section 4(f) of the Department of Transportation Act [49 U.S.C. 303]*

**Law Applies To:** All Agencies within the U.S. Department of Transportation Regulating Agencies: DHR, Advisory Council on Historic Preservation, and the National Park Service

**Who is Responsible for Compliance:** U.S. Department of Transportation Section 4(f) of the U.S. Department of Transportation Act and its implementing regulations at 23 CFR Part 774 requires USDOT agencies, such as the Federal Highway Administration and the Federal Transit Administration, to consider the impacts of transportation projects funded by the U.S. Department of Transportation or approved for specific types of properties, like park and recreational lands, wildlife and waterfowl refuges, and historic properties listed in the National Register of Historic Places or eligible for listing in the National Register. Before approving or funding a project that will have an adverse effect on a qualifying resource, the USDOT agency must find that there is “no prudent and feasible alternative” to the project AND that the selection alternative minimizes harm to the cultural resource. If there exists a prudent and feasible alternative that completely avoids the qualifying resource, it must be selected. The role of DHR is to comment on the identification of historic properties and the effect of the project, review and comment on the draft Section 4(f) and least harm analyses.

## Virginia State Laws

(These represent a selection of the laws most often referenced in cemetery preservation work, but do not constitute a full accounting for all state laws regulating cemeteries. For legal advice, seek a qualified professional)

### *§ 10.1-2300. Virginia Antiquities Act*

**Law Applies To:** Objects of antiquity located on archaeological sites on state-controlled land (§ 10.1-2302) and human burials located in the Commonwealth (§ 10.1-2305)

**Permitting Agency:** Virginia Department of Historic Resources

**Party Responsible for Compliance:** The state agency or individual initiating the archaeological field investigation or removal of human remains The Virginia Antiquities Act prohibits damage to or removal of objects of antiquity from archaeological sites on all state owned or state-controlled land, including historic cemeteries. It also prohibits archaeological excavation without a permit from DHR. This act does not restrict a state agency from construction or other land disturbing activities on its own land, but does prohibit all "relic hunting" or any archaeological field investigations without a permit from DHR. DHR is charged with coordinating all archaeological field investigations and surveys conducted on state-controlled lands (§10.1-2301).

The department is given exclusive right and privilege to conduct field investigations on state lands, but may grant those privileges to others through a permit (§10.1-2302 and 2303). The department also has final authority to identify and evaluate the significance of sites and objects of antiquity found on state lands

(§10.1-2301).

General cemetery protection laws make it a felony to remove human remains from a grave without a court order or appropriate permit. Section 2305 of the Virginia Antiquities Act provides a permit process for archaeological field investigations involving the removal of human remains and artifacts from graves.

### § 10.1-1188. *Virginia Environmental Impacts Report Act (SERP) Law*

**Applies To:** Major construction initiated by a state agency or local government over \$500,000

**Coordinating Agency:** Department of Environmental Quality (DEQ)

**Party Responsible for Compliance:** The state agency or local government initiating the construction project. The Department of Environmental Quality (DEQ) provides comments on the environmental impacts of all major state or state supported projects (including acquisition of land interests for purposes of construction) costing more than \$500,000, with some exceptions specified by law. Comments are solicited from all state agencies with applicable responsibilities or interests, and organized by the regional SERP coordinator, and then given to the project proponent agency to permit modifications necessary due to environmental impact. DHR is invited to submit comments to the Department of Environmental Quality when an environmental impact report describes a project that might affect historic properties or archaeological sites.

### § 10.1-1000. *Cave Protection Act*

**Law Applies To:** Caves and rock shelters located in the Commonwealth

**Regulating Agencies:** Department of Conservation and Recreation (Natural Heritage Division)

**Party Responsible for Compliance:** Any agency or individual involved in the research within caves in the Commonwealth. The Cave Protection Act protects from vandalism all geological, biological, and historic features in caves regardless of ownership. A permit is required from the Department of Conservation and Recreation, Natural Heritage Division, for research within caves and rock shelters. The concurrence of DHR is required before the issuance of a permit.

### § 8.01-44.6. *Action for injury to cemetery property.*

**Law Applies To:** All cemeteries in the Commonwealth

**Regulating Agency:** Local Jurisdiction

**Details:** The owner or operator of a cemetery company may bring an action to recover damages sustained, together with costs and reasonable attorneys' fees, against any person who willfully or maliciously destroys, mutilates, defaces, injures, or removes any tomb, monument, gravestone, or other structure placed within any cemetery, graveyard, or place of burial, or within any lot belonging to any memorial or monumental association, or any fence, railing, or other work for the protection or ornament of any tomb, monument, gravestone, or other structure aforesaid, or of any cemetery lot within any cemetery. The cemetery owner or operator may recover, as part of damages sustained, the cost of repair or replacement of damaged property, including any labor costs, regardless of whether the property damaged is owned by the cemetery or by another person.

§ 10.1-2305. *Permit required for the archaeological excavation of human remains.*

**Law Applies To:** All cemeteries in the Commonwealth

**Regulating Agency:** Virginia Department of Historic Resources

**Details:**

A. It shall be unlawful for any person to conduct any type of archaeological field investigation involving the removal of human skeletal remains or associated artifacts from any unmarked human burial regardless of age of an archaeological site and regardless of ownership without first receiving a permit from the Director.

B. Where unmarked burials are not part of a legally chartered cemetery, archaeological excavation of such burials pursuant to a permit from the Director shall be exempt from the requirements of §§ 57-38.1 and 57-39. However, such exemption shall not apply in the case of human burials within formally chartered cemeteries that have been abandoned.

C. The Department shall be considered an interested party in court proceedings considering the abandonment of legally constituted cemeteries or family graveyards with historic significance. A permit from the Director is required if archaeological investigations are undertaken as a part of a court-approved removal of a cemetery.

D. The Board shall promulgate regulations implementing this section that provide for appropriate public notice prior to issuance of a permit, provide for appropriate treatment of excavated remains, the scientific quality of the research conducted on the remains, and the appropriate disposition of the remains upon completion of the research. The Department may carry out such excavations and research without a permit, provided that it has complied with the substantive requirements of the regulations promulgated pursuant to this section.

E. Any interested party may appeal the Director's decision to issue a permit or to act directly to excavate human remains to the local circuit court. Such appeal must be filed within fourteen days of the Director's decision.

§ 18.2-126. *Violation of sepulture; defilement of a dead human body; penalties.*

**Law Applies To:** All cemeteries in the Commonwealth

**Regulating Agency:** local jurisdiction

**Details:**

A. If a person unlawfully disinters or displaces a dead human body, or any part of a dead human body which has been deposited in any vault, grave or other burial place, he is guilty of a Class 4 felony.

B. If a person willfully and intentionally physically defiles a dead human body he is guilty of a Class 6 felony. For the purposes of this section, the term "defile" shall not include any autopsy or the recovery of organs or tissues for transplantation, or any other lawful purpose.

NOTE: The penalty for conviction of a Class 4 felony is a term of imprisonment of 2-10 years and a fine up to but no more than \$100,000. The penalty for conviction of a Class 6 felony is a term of imprisonment of 1-5 years, or in the discretion of a jury or court trying the case without a jury, confinement in jail for no more than 12 months and a fine of up to but no more than \$2,500, either or both.

§ 18.2-127. *Injuries to churches, church property, cemeteries, burial grounds, etc.*

**Law Applies To:** All cemeteries in the Commonwealth

**Regulating Agency:** local jurisdiction

A. Any person who willfully or maliciously commits any of the following acts is guilty of a Class 1 misdemeanor: 1. Destroys, removes, cuts, breaks, or injures any tree, shrub, or plant on any church property or within any cemetery or lot of any memorial or monumental association; 2. Destroys, mutilates, injures, or removes and carries away any flowers, wreaths, vases, or other ornaments placed within any church or on church property, or placed upon or around any grave, tomb, monument, or lot in any cemetery, graveyard, or other place of burial; or 3. Obstructs proper ingress to and egress from any church or any cemetery or lot belonging to any memorial or monumental association.

B. Any person who willfully or maliciously destroys, mutilates, defaces, injures, or removes any object or structure permanently attached or affixed within any church or on church property, any tomb, monument, gravestone, or other structure placed within any cemetery, graveyard, or place of burial, or within any lot belonging to any memorial or monumental association, or any fence, railing, or other work for the protection or ornament of any tomb, monument, gravestone, or other structure aforesaid, or of any cemetery lot within any cemetery is guilty of a Class 6 felony. A person convicted under this section who is required to pay restitution by the court shall be required to pay restitution to the church, if the property damaged is property of the church, or to the owner of a cemetery, if the property damaged is located within such cemetery regardless of whether the property damaged is owned by the cemetery or by another person.

C. This section shall not apply to any work which is done by the authorities of a church or congregation in the maintenance or improvement of any church property or any burial ground or cemetery belonging to it and under its management or control and which does not injure or result in the removal of a tomb, monument, gravestone, grave marker or vault. For purposes of this section, "church" shall mean any place of worship, and "church property" shall mean any educational building or community center owned or rented by a church.

NOTE: The penalty for conviction of a Class 1 misdemeanor is confinement in jail for not more than twelve months and a fine of not more than \$2,500, either or both.

§ 57-22. *Conveyance of land to trustees or local governing body for cemetery use.*

**Law Applies To:** All cemeteries in the Commonwealth

**Regulating Agency:** local jurisdiction

A. Land may be conveyed to trustees, not less than five nor more than nine in number, for the use of any city, town, county, magisterial district, cemetery association, ecclesiastical or other society, as a cemetery. It shall be held by such trustees and their successors for such use and no other.

B. Land may also be conveyed to a county, city, or town, in the name of the county, city or town, for use as a cemetery. Any perpetual care fund associated with the land or cemetery shall also be transferred upon such conveyance.

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

**Law Applies To:** All cemeteries in the Commonwealth

**Regulating Agency:** local jurisdiction

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.

*§ 57-36. Abandoned graveyards may be condemned; removal of bodies.*

**Law Applies To:** All cemeteries in the Commonwealth

**Regulating Agency:** local jurisdiction and Virginia Department of Historic Resources

A. When a graveyard, wholly or partly within any county, city, or town, has been abandoned, or is unused and neglected by the owners, and such graveyard is necessary, in whole or in part, for public purposes, authorized by the charter of such city or town, or by the general statutes providing for the government of counties, cities, and towns, such county, city, or town may acquire title to such burying ground by condemnation proceedings, to be instituted and conducted in the manner and mode prescribed in the statutes providing for the exercise of the power of eminent domain by counties, cities, and towns. The locality may continue to maintain all or a portion of the burying ground as a graveyard.

B. The court taking jurisdiction of the case may, in its discretion, require the county, city, or town to acquire the whole burying ground, in which event the county, city, or town may use such part thereof as may be necessary for its purposes and sell the residue. The court, however, shall direct that the remains interred in such graveyard, if possible so to do, be removed to some repository used and maintained as a cemetery.

C. Should any county, city, or town, having acquired by any means land on which an abandoned graveyard is located, including lands acquired in accordance with § 22.1-126.1 for educational purposes, initiate plans to use that land for purposes other than to maintain the graveyard, such county, city, or town shall, prior to completion of said plans, develop and engage in active public notice and participation regarding efforts to avoid adverse impacts to the graveyard or to remove the remains interred in such graveyard to an alternative repository.

Such public notice and participation shall include, at minimum, publication of at least one notice in a local newspaper of general circulation, notice posted at the site of the graveyard, and notice to and consultation with any historic preservation or other such commission, as well as area historical and genealogical societies, and at least one public hearing. The locality shall make a good faith effort to identify and contact living descendants of the persons buried in the graveyard, if known. In addition, the locality is encouraged to post such notice on the Internet, including appropriate websites and through the use of social media, and to consult with the Virginia Department of Historic Resources.

Having given all public comment due consideration, the county, city, or town is encouraged first to adjust plans to maintain the graveyard as part of the larger land use plan or, if that is not feasible, to request permission to proceed with removal through the court or through the Virginia Department of Historic Resources should archaeological removal be appropriate.

In any event, any removal of remains should be given all due care and respect, as should the selection of and reburial in another cemetery. This requirement for public notice, consultation, consideration of comments, and following due process for removal of human remains shall apply in cases where the presence of an abandoned graveyard is discovered during either the planning or construction phases of a project.

D. Any county, city, or town that has acquired by any means land on which an abandoned cemetery or gravesite of Virginians held as slaves at the time of their deaths is located shall notify the Virginia Department of Historic Resources of the location of such cemetery or gravesite. The Department shall record the location of the cemetery or gravesite. A listing of the locations of all abandoned cemeteries and gravesites of Virginians held as slaves at the time of their deaths that have been provided to the Department shall be maintained by the Department as a public record.

NOTE: Sections C and D of §57-36 above were newly adopted in 2014.

### *§ 57-38.1. Proceedings by landowner for removal of remains from abandoned family graveyard*

**Law Applies To:** All cemeteries in the Commonwealth

**Regulating Agency:** local jurisdiction and Virginia Department of Historic Resources

The owner of any land on which is located an abandoned family graveyard, and there has been no reservation of rights in such graveyard, or when the beneficiaries of any reservations of rights desire to waive such rights, and in which no body has been interred for twenty-five years may file a bill in equity in the circuit court of the county or in the circuit or corporation court wherein such land is located for the purpose of having the remains interred in such graveyard removed to some more suitable repository.

To such bill all persons in interest, known or unknown, other than the plaintiffs shall be duly made defendants. If any of such parties be unknown, publication shall be had the plaintiffs shall undertake active, good faith efforts to locate interested parties including, at a minimum, publication of at least one notice in a local newspaper of general circulation, notice posted at the site of the graveyard, and notice to and consultation with any historic preservation or other such commission, as well as area historical and genealogical societies.

In addition, the plaintiff is encouraged to post such notice on the Internet, including appropriate websites and through the use of social media, and to consult with the Virginia Department of Historic Resources. Upon the case being properly matured for hearing, and proof being made of the propriety of the removal, the court may order the removal made and the remains properly deposited in another place, at the expense of the petitioner. Such removal and reinterment shall be done with due care and decency.

In determining the question of removal, the court shall consider the historical significance of such graveyard and shall consider as well the wishes of the parties concerned so far as they are brought to its knowledge,

including the desire of any beneficiaries of any reservation of rights to waive such reservation of rights in favor of removal, and so considering shall exercise a sound discretion in granting or refusing the relief prayed for.

NOTE: Portions of § 57-38.1 above were revised and newly adopted in 2014.

*§ 57-38.2. Proceedings by heir at law or descendant for removal of ancestor's remains from abandoned family graveyard.*

**Law Applies To:** All cemeteries in the Commonwealth

**Regulating Agency:** local jurisdiction

Any heir at law or descendant of a deceased person interred in an abandoned family graveyard in which no body has been interred for twenty-five years may file a bill in equity in the circuit court of the county or city wherein the land is located for the purpose of having the remains interred in the graveyard removed to some more suitable repository. The owner of the land, any beneficiaries of any reservation of rights, and all other persons in interest, known or unknown, other than the plaintiffs shall be duly made defendants. If any of such parties are unknown, notice may be given by order of publication.

Upon the case being properly matured for hearing, and proof being made of the propriety of the removal, the court may order the removal and the remains properly deposited in another place, at the expense of the petitioner. The removal and reinterment shall be done with due care and decency. The bill may be filed and relief granted regardless of whether there has been a reservation of rights in the graveyard and regardless of whether the beneficiaries of any reservation of rights desire to waive their rights. In determining the question of removal, the court shall consider the historical significance of the graveyard and the wishes of the parties concerned so far as they are brought to its knowledge, including the desire of any beneficiaries of any reservation in rights, and shall exercise sound discretion in granting or refusing the relief prayed for.

*§ 57-39. Proceedings for removal of remains and sale of land vacated.*

**Law Applies To:** All cemeteries in the Commonwealth

**Regulating Agency:** local jurisdiction and Virginia Department of Historic Resources

When the owners of a graveyard, or the trustees of a graveyard left in trust, by reason of the infancy or the disability of any of them or by reason of their being numerous or partly unknown, or of the residence of any of them being unknown, cannot or cannot conveniently unite in making disposition of the same, any one or more of such owners or trustees, or, in any event, any county, city or town of this Commonwealth, if a private graveyard or pauper's graveyard (potter's field), which has been dedicated for such use either by written instrument, or by use by the public for such purpose, be within the boundaries thereof and the private graveyards be not connected with any church or church property and said graveyards be in a condition of neglect or disuse, or in the case of a pauper's graveyard is in a condition of neglect, or disuse, or is located in a location which is inappropriate for its continued use as a burial ground, may file a bill in equity in the circuit court of the county or in the circuit or corporation court of the corporation wherein the graveyard is located for the purpose of having the remains interred in such graveyard removed to some more suitable

repository, and the land thus vacated sold and the costs of removal and interment and the costs of suit including reasonable attorney's fees paid out of the proceeds of the sale.

To such bill all owners of the graveyard or any person having a right therein, and in the case of a pauper's graveyard the dedicator thereof, his heirs or successors in interest, if known, and if not known, such unknown parties shall be made defendants by the name of "person or persons unknown who may be the owners, heirs, or successors in interest of the unknown dedicator of the pauper's graveyard which is the subject of this suit," other than the plaintiffs shall be duly made defendants. The bill shall show the title of the land, the interest of all parties, so far as known, and the reasons why relief is sought and that it is practicable. And upon the case being properly matured for hearing, and proofs being adduced of the propriety of the removal, the court shall have power to have the removal made and the remains properly deposited in another place, and to make sale of the grounds vacated by the removal and to have the costs of removal and reinterment, including the costs of the new place of interment, and of putting it in all respects in suitable condition and erecting upon it suitable memorials and the costs of the suit paid out of the proceeds of the sale. Such removal and reinterment shall be done with due care and decency.

But, unless the bill be filed by a city, town or county, the court shall not order such removal and reinterment until due and sufficient guaranty be given it that the proceeds of sale of the grounds proposed to be sold will be sufficient to meet all costs that may be incurred unless some party to the cause or other person gives due security to make good any deficit.

In determining the question of removal or sale the court shall consider as well the wishes of the parties concerned so far as they are brought to its knowledge as the proofs, and so considering shall exercise a sound discretion in granting or, refusing the relief prayed for, except that in case the bill be filed by a city, town or county, the court shall be guided by considerations of public welfare. The court may distribute any surplus of the proceeds of sale according to their rights among the owners of the ground sold or the parties entitled thereto, and in the case of the sale of a pauper's graveyard wherein the original owner, his heirs and successors in interest are unknown, or there has been a dedication of said land for pauper's graveyard, the court, after the due consideration, upon application of the county, city or town may permit the proceeds of the sale to be utilized for other public uses of a charitable nature including the purchase of land for parks, public offices and other municipal uses including the construction of buildings thereon. No graveyard to which there is no right-of-way except over or through some person's land shall be sold hereunder without the consent of such person.

### *§ 57-39.1. Improvement of abandoned and neglected graveyards.*

**Law Applies To:** All cemeteries in the Commonwealth

**Regulating Agency:** local jurisdiction

When the owners of any private graveyard, not connected with any church or church property, abandon the graveyard and allow it to fall into a condition of neglect and disuse, so that it is unsightly and thereby lessens the desirability and value of adjacent land, and the owners fail or refuse, when requested by the owner of adjacent land or when requested by the local governing body of the county, city or town wherein the private graveyard is located, to remedy such condition of neglect and put the graveyard into suitable condition, then any owner of adjacent land or the local governing body may file a bill in equity in the circuit court of the

county or city wherein the graveyard is located, for the purpose of requiring the graveyard to be placed in a suitable condition.

The owners of the graveyard or any person having a right therein shall be made defendants to such court proceedings. The court shall not enter an order requiring the owners of a graveyard in which a grave or entombment right has never been sold to improve it or place it in a suitable condition. However, after hearing the evidence the court may allow the petitioners, at their own expense, to improve the graveyard and place it in suitable condition and may also require bond to ensure that the petitioners will not injure or remove any tomb, monument, gravestone, grave marker, or vault without having first obtained court approval. Acting pursuant to court order, the petitioners may thereafter enter upon the land and improve the graveyard and place it in suitable condition. The costs in any case involving a graveyard in which a grave or entombment right has never been sold shall be paid by the petitioners. In any case involving a graveyard in which a grave or entombment right has been sold, the court shall determine whether the owners or petitioners shall pay the costs of improving the graveyard and may require bond to insure against injury or removal of any tomb, monument, gravestone, grave marker, or vault without court approval.

## County Ordinance

Fairfax County Zoning Ordinance:

### *8101.2 – Zoning Map Amendments*

Plan Requirements for Residential, Commercial, and Industrial Districts

Plans must provide approximate delineation of any grave, object, or structure marking a place of known burials, and a statement indicating how the proposed development will impact the burial site

### *8101.3 Special Exceptions, Special Permits, and Variances*

Plans must provide approximate delineation of any grave, object, or structure marking a place of known burials, and a statement indicating how the proposed development will impact the burial site.

### *8101.4 Site Plans and Minor Site Plans*

Plans must provide identification of any grave, object, or structure marking a place of burial on the site, and if none, as statement to that effect

# Sample Forms

## *Cemetery Access Agreement*

This sample access agreement is based on language set forth in the Code of Virginia

Date:

Name of Cemetery:

Location of Cemetery:

Name of Cemetery Owner:

Address of Owner:

Telephone Number of Owner:

### **Permission to Enter**

I hereby grant the person or persons named below permission to enter my property, subject to the terms of the agreement, on the following dates:

Cemetery Owner Signature

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Name of Visitor:

Address:

City, State, ZIP:

Telephone Number:

### **Agreement**

In return for the privilege of entering on the private property for the purpose of restoring, maintaining, or viewing the burial site or transporting human remains to the burial site, I agree to adhere to every law, observe every safety precaution and practice, take every precaution against fire, and assume all responsibility and liability for my person and my property, while on the landowner's property.

Visitor Signature

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## *VA Department of Historic Resources Citizen Cemetery Recordation Form*

The following form was created by VDHR staff to assist citizen cemetery recordation efforts. For more information regarding DHR's cemetery preservation work, please visit:

<https://www.dhr.virginia.gov/archaeology/cemetery-preservation-frequently-asked-questions/>

## VIRGINIA DEPARTMENT OF HISTORIC RESOURCES CITIZEN CEMETERY RECORDATION FORM



Note: This form is for use by members of the general public. Preservation professionals must submit records for approval through V-CRIS.

### GENERAL LOCATION INFORMATION

Cemetery Name(s): \_\_\_\_\_  
County/City: \_\_\_\_\_  
Address/Location: \_\_\_\_\_  
Date of Observation: \_\_\_\_\_

### CEMETERY TYPE

- Marked with gravestones, monuments, walls, fences, or other elements visible above-ground  
 Unmarked only; depressions present, possibly indicated by field stones or plants  
 Both marked and unmarked

### PHOTOGRAPHS

Please attach. Digital photos may be submitted on disk or electronically. Contact DHR Archives for assistance.

Medium:  Digital  Print Date Taken: \_\_\_\_\_

### MAP DATA (Consult DHR Archives Staff for help with obtaining map information)

Please attach a map showing the location of the cemetery. You may provide Latitude and Longitude coordinates if available.

Lat: \_\_\_\_\_ Long: \_\_\_\_\_ Source (Google Maps, GPS, etc): \_\_\_\_\_

Sketch Map/ Plan Drawing (attach separate pages if desired)



DHR Staff Use: AH DHR ID \_\_\_\_\_ AH V-CRIS DATE \_\_\_\_\_ AE DHR ID \_\_\_\_\_ AE V-CRIS DATE \_\_\_\_\_

**Religious Affiliation:** \_\_\_\_\_

**Ethnic Affiliation:** *Select all that apply*

- African Descent
  European Descent  
 Native American/ American Indian
  Other- specify: \_\_\_\_\_

**Earliest Marked Death Date:** \_\_\_\_\_ **Latest Marked Death Date:** \_\_\_\_\_  
**Date Established:** \_\_\_\_\_ **Date Source:** \_\_\_\_\_

**Approximate Number of Marked Burials:** *Select only one choice.*

- 1-5  
 6-10  
 11-25  
 26-50  
 51-100  
 101+

**Approximate Number of Unmarked Burials:** *Select only one choice.*

- 1-5  
 6-10  
 11-25  
 26-50  
 51-100  
 101+

**Enclosure Type:** *Select only one choice.*

- Fence  
 Hedge  
 None  
 Other  
 Wall

**Current Use:** *Select only one choice*

- Abandoned
  Memorial Park  
 Church/Religious
  Military  
 City/Town/Municipal
  National  
 Family
  Private

**Condition:** *Select only one choice.*

- Good  
 Fair (some damage to markers)  
 Poor (many markers damaged, fallen, or missing)

**Threats:** *Select only one choice*

- Development
  Other  
 Erosion  
 Neglect  
 None Known

**Significant Markers and/or Individuals:** *(use additional pages if needed)*

Marker Type	First Name	Last Name	Birth Date	Death Date	Condition

Marker Types	(to be entered above)
Bench	Iron/Metal
Cenotaph	Mausoleum
Chest Tomb	Monument
Cradle Grave	Other
Crypt	Slab/Capstone/Ledger
Fieldstone	Table
Headstone/Tablet	Temporary (Funeral Home)

DHR Staff Use: AH DHR ID \_\_\_\_\_ AH V-CRIS DATE \_\_\_\_\_ AE DHR ID \_\_\_\_\_ AE V-CRIS DATE \_\_\_\_\_

**General Condition Description:** Describe the condition of the cemetery as a whole including any damage, if applicable.

**Setting and Landscape Description:** Describe the surroundings, landscape features, walls, plantings, etc.

**Additional Comments:** Attach additional pages or documentation, if desired.

**PRIMARY RECORDER INFORMATION** You may add information about additional recorders above or on separate pages.

First name \_\_\_\_\_ Last name: \_\_\_\_\_  
Title: \_\_\_\_\_ Organization: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_

**Relationship to Cemetery:** *Select all that apply*

Property Owner       Descendant       Genealogist       General Interest

## NOTES ON THIS FORM

The Citizen Cemetery Recordation Form is designed to easily allow members of the public (not professional archaeologists or preservation professionals) to submit information relating to many different kinds of cemeteries throughout Virginia. By submitting this form to DHR, you are recording a cemetery in our historic resources database. This information may be accessed by researchers, or by individuals, governments, and agencies seeking compliance with State and Federal preservation laws. In other words, recording a cemetery with DHR may help prevent it from being damaged or destroyed. To further ensure the preservation of a cemetery, contact the planning or parcel mapping office of your local government to ensure that the cemetery is recorded on local-level parcel maps.

Once your cemetery is recorded with us it will be given one or more inventory numbers. If the cemetery has already been recorded at DHR, your information will be used to update our records. Information on this form will be integrated into our database and its location will be digitally mapped. If you would like a copy of the final, official DHR inventory record, please let staff know at the time of submission.

Recording a cemetery on this form does not “list” it on the National Register of Historic Places or the Virginia Landmarks Register or affirm its historical significance. For more information on listing resources on the historic registers, contact DHR’s regional staff.

## ATTACHMENTS

### 1 Locator map

A locator map may be a legible copy of a road or topographic map or a computer-generated map (like Google Maps or Mapquest). You may also use DHR’s V-CRIS public mapper to create a map and see if your cemetery has been previously recorded: <https://vcris.dhr.virginia.gov/vcris/Mapviewer/>. Make sure that the location of the cemetery is clearly legible. Include boundaries, if possible.

### 2. Plan drawing of the cemetery

A plan view drawing may be computer generated or hand-drawn. The drawing should show outline of the cemetery and placement of headstones/depressions from an overhead view. You may use the space provided on this form or attach additional pages.

### 3. Photos

You may submit prints and/or digital photos. If you took digital photographs, please send us the digital files as well.

## OTHER INSTRUCTIONS

This form may be filled out by hand or completed electronically. If you use the electronic version of the form to type your information, we kindly request that you send a digital version of the form to DHR Archives to make data entry easier.

If you have a large amount of digital information to transmit (photos, maps, etc.), please contact DHR’s Archives for instructions on the best way to send the information.

If you have hardcopy materials or digital files on CD, mail them to:

DHR Archives  
2801 Kensington Avenue  
Richmond, VA 23221

**If you have questions about this form, please contact DHR Archives staff at (804) 367-2323.**

**Thank you for your contribution to DHR’s Historic Resources Inventory.**