



Tax Ditch Right-of-Way

The tax ditch rights-of-way (ROW) is a type of easement outlined in the Delaware Tax Ditch Law. It is a designated area which provides permanent access for the tax ditch organization to perform regular maintenance activities and dispose of material cleaned out from the tax ditches.



→ A ROW is Your Property

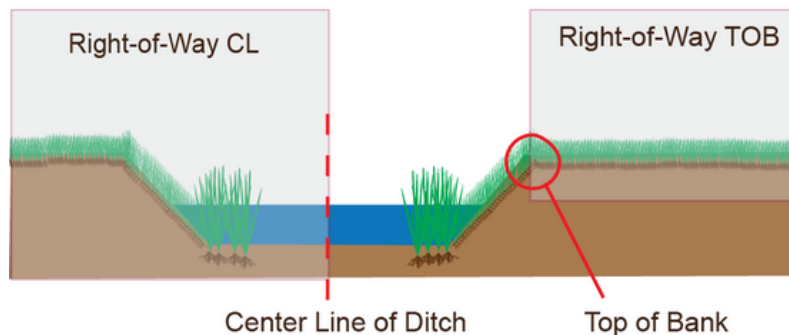
- The tax ditch organization has access to the ROW but does not own the land.
- Only the tax ditch organization or its designated contractors have access to the ROW.
- The ROW is not for public passage.

→ Obstruction Free is the Way to Be

- Maintaining grass buffers in and along the tax ditch helps to keep ditches stable and improves overall water quality.
- Keep fences, driveways, patios, buildings, sheds, additions, pools, animal pens, landscaping, or gardens out of the ROW.
- Yard waste should be placed away from the ditch and out of the ROW as it could wash into ditch and cause blockages.

→ Size of ROW Width Varies

- ROWs are measured either from top of ditch bank (TOB) or from centerline (CL) of the ditch or an underground pipe.
- Visit de.gov/taxditchmap to view tax ditch ROWs on your property.



→ Maintaining ROWs

- A tax ditch organization is responsible for ensuring the system is draining as designed. As such, maintenance activities involve controlling woody plant growth by:
 - Mowing the ROW and ditch once a year or every other year.
 - Control of invasive plant types.
 - Dipout of channels every 10-30 years.
- The tax ditch organization is not responsible for removing fallen trees or landscaping that do not obstruct water flow.
- **You have the ability to maintain your ROW.** Here are some pointers:
 - Place the blade height on your mower as high as possible when mowing.
 - Do not use broad-spectrum herbicides. Contact a licensed professional for proper application for controlling unwanted plant types.
 - Trees can be flush cut to the top of the soil, but stumps cannot be removed.
- More information and resources regarding tax ditches, such as the "Maintaining Tax Ditches in Your Backyard" handout, can be found at de.gov/taxditch.