

Maintaining Tax Ditches in Your Backyard

Did you know that a Tax Ditch Organization is a governmental subdivision of the state and run by elected officers who own land in its watershed? Typically, officers choose to mow ditch channels and right-of-ways every 2-3 years in order to control woody plant growth, but the schedule depends on system maintenance needs, availability of funds, and presence of obstructions in the right-of-way that prevent access to the ditch. **As a landowner or caretaker with a tax ditch on your property there are things you can do to assist in maintaining your portion of the ditch.**

You Can Help with Flooding Issues & the Environment by...

- ☑ Ensuring that trash and yard debris, such as grass clippings and leaves, are not placed in the ditch. These items could cause blockages in the ditch or pipes.
- ☑ Mowing the right-of-way or ditch channel at least once or twice a year. Leaving taller grasses or non-woody plants along the edge of the ditch and the channel can help maintain the stability of your soil and improve water quality.
- ☑ Avoiding the use of herbicides on tax ditch banks or within the channel. These chemicals negatively affect the health of our waters and habitats. In addition, they can destroy a plant's root system which may lead to erosion issues. If erosion occurs as a result of herbicide application, you could be held financially liable for the damage.
- ☑ Removing invasive plants such as bamboo, European reed, or English ivy in your yard. Invasive plants quickly take over tax ditch right-of-ways or channels making them hard to maintain and create blockages. Native plants can live in harmony with your ditch and wildlife. Visit the delawareinvasives.net for more information.
- ☑ Attending annual meetings of your Tax Ditch Organization. Look in your local newspaper for meeting announcements or call our office for more information.

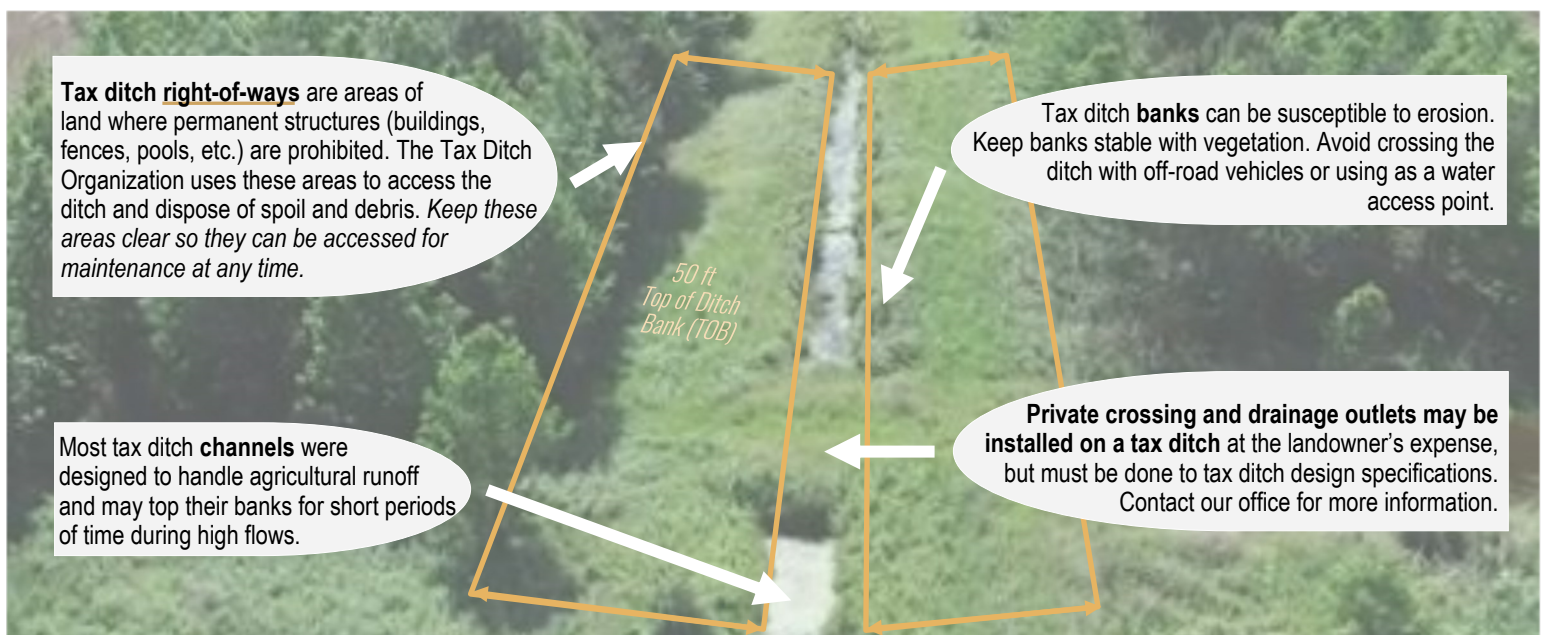
Web Links To Know

Delaware Tax Ditch Law:
delcode.delaware.gov/title7/c041/index.shtml

DNREC Tax Ditch Website:
de.gov/taxditch

Map of Tax Ditch and Right-of-Way Location:
de.gov/taxditchmap

The Anatomy of a Tax Ditch



DNREC Drainage Program

What is a tax ditch?

Not all ditches are tax ditches. Tax ditches are formed as organizations under a legal process in Superior Court that comprise of all landowners (also referred to as taxables) of a particular watershed or sub-watershed. The operations of a tax ditch are overseen by ditch managers and a secretary-treasurer. Visit de.gov/taxditchmap to see if your land is a part of a tax ditch watershed.

Who can perform maintenance work and do I need a permit?

Landowners may perform maintenance work on tax ditches on their own property. According to Tax Ditch Law (41 Del. Laws, c. 7, § 4187), Right of Entry Upon Lands, only agents working on behalf of the tax ditch may enter property that is not their own to perform tax ditch work. In addition, depending on what you are looking to do and where, permits may be needed. There are multiple agencies that may be involved with issuing permits for tax ditch maintenance work: [U.S. Army Corps of Engineers Dover Field Office](#), [DNREC Wetlands & Subaqueous Lands Section](#), [DNREC Sediment and Stormwater](#) and/or [DNREC Drainage Program](#).

Who is responsible for maintaining pipe crossings?

In most cases, if the crossing is solely benefitting the private landowner it is up to the private landowner, not the Tax Ditch Organization, to repair or replace any damaged pipe crossings. If a landowner wishes to install a new private crossing, the landowner may do so at their own expense (materials and any applicable permitting) but must contact the DNREC Drainage Program for design specifications including required materials and a listing of needed permits. Tax Ditch Organizations only maintain pipe crossings that are of benefit to the tax ditch system.

How can I become more involved in maintenance decisions?

Tax Ditch Organizations usually hold at least one meeting a year for which all members, or taxables, may attend. To find out about these upcoming meetings look for announcements in your local newspaper or call the DNREC Drainage Program for more information. If you would like to assist in managing these systems, then volunteer to become an officer on a tax ditch! You must first check to see if you own land in the tax ditches' watershed (de.gov/taxditchmap), then you should visit the [Tax Ditch Law](#) (link available on de.gov/taxditch) to see position responsibilities and contact our office for more information.

Common invasive plants on tax ditches and right-of-ways.



Common reed (*Phragmites australis*)



Japanese honeysuckle (*Lonicera japonica*)



Multiflora rose (*Rosa multiflora*)



Imported bamboo (Photo Credit: University of Florida IFAS Extension)



English ivy (*Hedera helix*)