



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

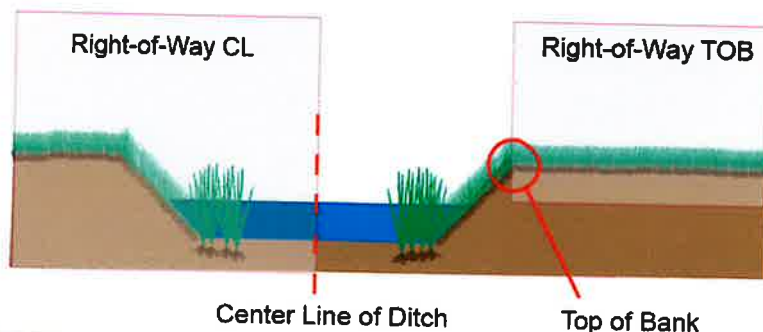
- The tax ditch organization has access to the ROW but does not own the land.
- Only the tax ditch organization or its designated contractors have access to the ROW.
- The ROW is not for public passage.

→ 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.



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Tax Ditches and Driveways Considerations when Installing a Driveway

Did you Know?

ALL driveways are considered Tax Ditch Rights-of-Way (ROW) obstructions

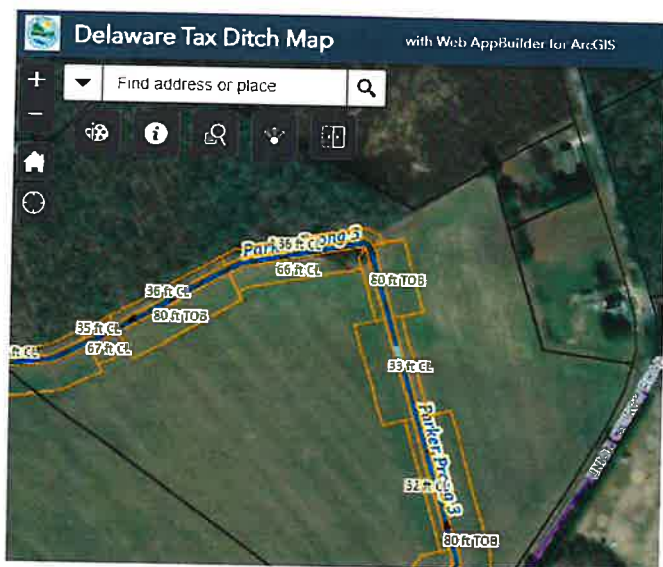
Driveways located or installed within a Tax Ditch ROW are subject to § 4186 of the Tax Ditch Law. As such, upon request of a Tax Ditch officer the driveway must be removed at the landowners expense and the landowner is responsible for paying any fines issued for the violation.

Does my property have a Tax Ditch Rights-of-Way?

Visit de.gov/taxditchmap and search by street address or Parcel ID to find out!

A Closer Look: Navigating the Tax Ditch Map

If there is a Tax Ditch ROW on a property, it will be illustrated as an orange polygon on the map (see below). As you zoom in on a property the ROW width will also appear. **All** permanent features, including driveways, must be installed outside of the existing ROW.



How to move forward if your property has a Tax Ditch Rights-of-Way

The DNREC Tax Ditch Program will review and evaluate the proposed request in consultation with the tax ditch officers to determine an acceptable path forward.

To initiate review of the proposed driveway, please complete and submit the form found below.

Tax Ditch ROW Change Request Form:

<https://de.gov/TDROWForm>

To expedite our review be sure to include a site plan/sketch of the driveway location and include the proposed distance of the driveway from the top of the tax ditch bank.

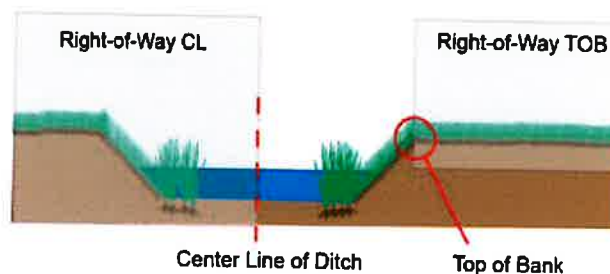
Office Location & Contact

DNREC Tax Ditch Program

21309 Berlin Road, Unit 6 Georgetown, DE 19947

302-855-1930 • DNREC_Drainage@delaware.gov

Typical Tax Ditch Cross-Section/Rights-of-Way



Map and Cross-Section Abbreviations Defined:

TOB- Top of Bank

CL- Centerline

MT- Maintenance Turnaround

SAR- Special Access ROW



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Tax Ditches and Fences Considerations when Installing a Fence

Did you Know?

ALL fences are considered Tax Ditch Rights-of-Way (ROW) obstructions

Fences located or installed within a Tax Ditch ROW are subject to § 4186 of the Tax Ditch Law. As such, upon request of a Tax Ditch officer the fence must be removed at the landowners expense and the landowner is responsible for paying any fines issued for the violation.

If you are a landowner planning or contractor hired to install a fence you must ensure the fence is located outside of Tax Ditch Rights-of-Way (ROW).

Does my property have a Tax Ditch Rights-of-Way?

Visit de.gov/taxditchmap and search by street address or Parcel ID to find out!

A Closer Look: Navigating the Tax Ditch Map

If there is a Tax Ditch ROW on a property, it will be illustrated as an orange polygon on the map (see below). As you zoom in on a property the ROW width will also appear. All permanent features, including fences, must be installed outside of the existing ROW.

How to move forward if your property has a Tax Ditch Rights-of-Way

The DNREC Tax Ditch Program will review and evaluate the proposed request in consultation with the tax ditch officers to determine an acceptable path forward.

To initiate review of the proposed fence, please complete and submit the form found below.

Tax Ditch ROW Change Request Form:

<https://de.gov/TDROWForm>

To expedite our review be sure to include a site plan/sketch of the fence location and include the proposed distance of the fence from the top of the tax ditch bank.

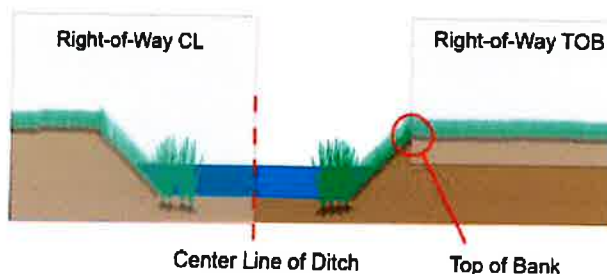
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