

DID YOU KNOW? *WHOSE DITCH IS THAT?*

Township officials are often the first call when a resident has an issue with drainage on or near their property. But whose responsibility is it to repair or maintain a ditch? There are a few factors to consider.

Townships, in many cases, are not responsible for ditch maintenance. In 1980, through House Bill 268, the General Assembly effectively removed township responsibility to improve, clean, or repair township ditches, drains, and watercourses with the repeal of R.C. Ch. 6139 and 6141. The major exception to this provision is if the ditch is providing drainage from a township road.

A road or highway includes “all appurtenances to the road or highway, including but not limited to, bridges, viaducts, grade separations, culverts, lighting, signalization, and approaches on or to such road or highway” (R.C. §5501.01). A right-of-way includes “the roadway, shoulders or berm, ditch, and slopes extending to the right-of-way limits under the control of the state or local authority” (R.C. §4511.01(UU)(2)). Pursuant to R.C. §5571.02, townships are generally responsible for the maintenance of township roads, which includes ditches that drain the township road.

As widely understood and decided by the Ohio Supreme Court, townships can only act under express authority granted in the Ohio Revised Code. As discussed above, no authority is given to townships to maintain private drains. Maintenance of privately constructed ditches and tile are the responsibility of the property owner.

Landowners are able to petition the county for improvements to drainage and ditches on their property (R.C. Ch. 6131 and 6137). Upon the filing of a petition, the county may make necessary improvements and assess the property owner(s) for the cost. Townships may be similarly assessed if township property is within the watershed and the project benefits township property. After the project is complete, those benefitted will also be assessed for maintenance costs.

Ditch maintenance is an important and often overlooked (but necessary) expense. Improper drainage can lead to flooding, deterioration of the roads, etc. Poorly maintained ditches may fail in time and lead to increased costs for the township. Townships can work with their county engineers or county soil and water conservation district for questions or issues with ditch problems in their area.

“Did You Know?” is informational only and is not intended to serve as legal advice.

The Ohio Township Association | OTA [Website](#)

The Ohio Township Association is a nonprofit dedicated to promoting and preserving Ohio's 1,308 townships.