GARFIELD COUNTY, STATE OF UTAH

ORDINANCE NO. 2026-__

AN ORDINANCE REGULATING WATER HAULING WITHIN THE UNINCORPORATED AREAS OF GARFIELD COUNTY, STATE OF UTAH.

WHEREAS, the Board of Garfield County Commissioners finds that unregulated water hauling presents public health, safety, and environmental risks; and

WHEREAS, the county seeks to protect drinking water quality while recognizing the limited water access challenges in remote areas of Garfield County; and

WHEREAS, the county desires to establish reasonable standards consistent with guidance from the Utah Department of Environmental Quality – Division of Drinking Water;

NOW, THEREFORE, BE IT ORDAINED by the Board of Garfield County Commissioners:

SECTION 1. PURPOSE

The purpose of this ordinance is to regulate the hauling of potable water within the unincorporated areas of Garfield County to protect public health, ensure safe drinking water delivery, and establish clear limitations on allowable uses.

SECTION 2. DEFINITIONS

For purposes of this ordinance:

1. **"Commercial use"** means the hauling or delivery of water for compensation or in furtherance of a business activity, including but not limited to accommodation and food services, or other income-generating uses.
2. **"Recreational property"** means a property used for seasonal, non-year-round use.
3. **"Water hauling"** means the transport and delivery of potable water by vehicle or trailer to a property not served by a public or private water system.
4. **"Approved public water system"** means a public water system rated "approved" by the Utah Department of Environmental Quality – Division of Drinking Water.
5. **"Proof of water source"** means written documentation demonstrating a reliable and lawful potable water supply, including one or more of the following:
    a. a will-serve letter from a public water system;
    b. a well or change application approval from the Utah Division of Water Rights; or
    c. other documentation deemed acceptable by the county in consultation with the Department of Environmental Quality – Division of Drinking Water.

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SECTION 3. PROHIBITED USES

3.1 Commercial Use Prohibited

Water hauling is prohibited for commercial use, including use for short-term rental properties.

3.2 Water Hauling as Sole Source Prohibited for Land Use Approvals

Water hauling shall be prohibited as a source of potable water for any subdivision application or building permit, unless specifically exempted by this ordinance.

SECTION 4. LIMITED APPROVAL FOR RECREATIONAL PROPERTIES

Water hauling may be deemed an approved water source only for recreational properties that meet **all** of the following criteria:

1. The property is not used for year-round occupancy;
2. The property has limited access during winter months; and
3. The property consists of a minimum of ten (10) acres.

SECTION 5. WATER SOURCE AND HAULING STANDARDS

5.1 Approved Water Source

Any hauled water shall be obtained from a public water system rated "approved" by the Utah Department of Environmental Quality – Division of Drinking Water.

5.2 Compliance with State Guidance

All water hauling activities shall comply with the parameters identified in the Utah Department of Environmental Quality – Division of Drinking Water Guidance for Hauling Drinking Water, as amended.

SECTION 6. PROOF OF WATER SOURCE REQUIRED

6.1 Subdivision Plat Approval

As a condition of preliminary and final subdivision plat approval, the applicant shall provide proof of water source for each lot or unit. Water hauling may not be relied upon as the potable water source, except as specifically exempted under Section 4 of this ordinance.

6.2 Building Permit Issuance

Prior to issuance of a building permit, the applicant shall provide proof of water source for the proposed structure. Water hauling may not be relied upon as the potable water source, except as specifically exempted under Section 4 of this ordinance.

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SECTION 7. LEGAL NONCONFORMING PROPERTIES

7.1 Continuation of Existing Use

A property that lawfully relied on hauled water as a primary or sole source of potable water prior to the effective date of this ordinance may continue to utilize water hauling as a legal nonconforming use, subject to compliance with Section 5 of this ordinance.

7.2 Limitations on Expansion

A legal nonconforming reliance on water hauling shall not be expanded, intensified, or extended to serve additional structures, dwelling units, lots, or commercial uses beyond those lawfully existing as of the effective date of this ordinance.

7.3 Alterations and Reconstruction

Reconstruction, replacement, or substantial expansion of a structure served solely by hauled water shall require compliance with the water source requirements of this ordinance, unless otherwise approved by the county.

7.4 Loss of Nonconforming Status

If a legal nonconforming use of hauled water is discontinued for a period exceeding twelve (12) consecutive months, the nonconforming status shall be deemed abandoned, and any future reliance on hauled water shall be subject to the requirements of this ordinance.

SECTION 8. ADMINISTRATION AND ENFORCEMENT

8.1 Administration

This ordinance shall be administered by Garfield County.

8.2 Enforcement

The county may enforce this ordinance through civil enforcement, permit denial, stop-work orders, or other remedies available under Utah law and county code.

SECTION 9. VIOLATIONS AND PENALTIES

Any violation of this ordinance constitutes an infraction and may be subject to penalties as provided by Garfield County code and Utah law. Each day a violation continues constitutes a separate offense.

SECTION 10. SEVERABILITY

If any provision of this ordinance is found invalid or unenforceable, such invalidity shall not affect the remaining provisions, which shall remain in full force and effect.

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SECTION 11. EFFECTIVE DATE

This ordinance shall take effect upon adoption and publication as required by law.

SECTION 12. ADOPTION

Passed and adopted this ____ day of _____, 2026, by the Board of Garfield County Commissioners, State of Utah.

_____

Garfield County Commission, Chair
Leland F. Pollock

ATTEST:

_____

Garfield County Clerk/Auditor
Camille A. Moore

County Seal:

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