



# Whatcom County

COUNTY COURTHOUSE  
311 Grand Avenue, Ste #105  
Bellingham, WA 98225-4038  
(360) 778-5010

## Agenda Bill Master Report

File Number: AB2026-118

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File ID:	AB2026-118	Version:	1	Status:	Adopted
File Created:	01/23/2026	Entered by:	KSmith@co.whatcom.wa.us		
Department:	Council Office	File Type:	Ordinance		
Assigned to:	Council			Final Action:	02/10/2026
Agenda Date:	02/10/2026			Enactment #:	ORD 2026-003
<b>Related Files:</b>					

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Primary Contact Email: ksmith@co.whatcom.wa.us

### **TITLE FOR AGENDA ITEM:**

Ordinance amending Whatcom County Code Section 5.40.010 to change the permit threshold for outdoor musical entertainment, amusements, and assemblies

### **SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:**

none

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### **HISTORY OF LEGISLATIVE FILE**

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Date:	Acting Body:	Action:	Sent To:
01/27/2026	Council	INTRODUCED FOR PUBLIC HEARING	Council
		Aye: 6 Boyle, Buchanan, Galloway, Rienstra, Scanlon, and Stremler	
		Nay: 1 Elenbaas	
02/10/2026	Council	ADOPTED	
		Aye: 7 Boyle, Buchanan, Elenbaas, Galloway, Rienstra, Scanlon, and Stremler	
		Nay: 0	
02/10/2026	Council Committee of the Whole	DISCUSSED	

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**Attachments:** Proposed Ordinance, Whatcom County Code 5.40, Revised Code of Washington 70.108, Notice of Hearing after 1.27.2026

**PROPOSED BY: CLERK OF THE COUNCIL  
INTRODUCED: JANUARY 27, 2026**

**ORDINANCE NO. 2026-003**

**AMENDING WHATCOM COUNTY CODE SECTION 5.40.010  
TO CHANGE THE PERMIT THRESHOLD FOR OUTDOOR  
MUSICAL ENTERTAINMENT, AMUSEMENTS AND ASSEMBLIES**

**WHEREAS**, Whatcom County Code Chapter 5.40 provides for the process of obtaining a permit to present outdoor, live, or recorded musical entertainment; and

**WHEREAS**, Chapter 5.40 currently applies to events that are expected to attract 1,000 or more persons and where a charge or contribution is required for admission; and

**WHEREAS**, RCW 70.108 Outdoor Music Festivals provides that permits are required for outdoor musical events where the predicted attendance is 2,000 persons or more and where the duration of the program is five hours or longer; and

**WHEREAS**, the council desires to support smaller festivals and events that contribute to Whatcom County's economy and support arts events in the community; and

**WHEREAS**, the council finds that the requirements for obtaining a permit may be onerous for smaller events; and

**WHEREAS**, the council believes it is appropriate to raise the attendance threshold for requiring a permit so that it matches the threshold provided for in state law.

**NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that Whatcom County Code Section 5.40.010 is hereby amended as shown in Exhibit A.

**ADOPTED** this 10th day of February, 2026

ATTEST:

  
Cathy Halka, Clerk of the Council

APPROVED AS TO FORM:

Kimberly Thulin by email 1/23/26 (ks)  
Civil Deputy Prosecutor

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON



Kaylee Galloway, Council Chair

WHATCOM COUNTY EXECUTIVE  
WHATCOM COUNTY, WASHINGTON

  
Satpal Sidhu, County Executive

Approved       Denied

Date Signed: 2/11/26

## Exhibit A

### Chapter 5.40

#### OUTDOOR MUSICAL ENTERTAINMENT, AMUSEMENTS AND ASSEMBLIES

##### Sections:

5.40.010 Permit required.

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##### **5.40.010 Permit required.**

It is unlawful for any person, persons, organization, landowner, or lessor to allow, encourage, organize, promote, conduct, permit or cause to be advertised an entertainment, amusement, or assembly of persons wherein one of the primary purposes will be the presentation of outdoor, live, or recorded musical entertainment, which said person, persons, or corporation, organization, landowner or lessor believes or has reason to believe will attract 2,000 or more persons, where the duration of the program is five hours or longer, and where a charge or contribution is required for admission, unless a valid county permit has been obtained for the operation of the assembly pursuant to RCW Chapter [70.108](#), Outdoor Music Festivals. (Prior code § 4.12.010).

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