

Differences from AB2026-431

Added language 6.17.2026

PROPOSED BY: GALLOWAY
INTRODUCED: June 9, 2026

ORDINANCE NO. _____

**AMENDING WHATCOM COUNTY CODE CHAPTER 5.20, FIREWORKS, TO STRENGTHEN
FIREWORKS REGULATIONS BY LIMITING THE DAYS FIREWORKS ARE ALLOWED AND
PROHIBITING FIREWORKS DURING BURN BANS**

WHEREAS, RCW 70.77 sets the minimum legal requirements for the sale or discharge of fireworks including regulating the dates and times consumer fireworks may be sold or discharged pursuant to RCW 70.77.395; and

WHEREAS, Washington State law requires obtaining a license from the state patrol for wholesale and or retail fireworks sales, manufacturing or importing pursuant to RCW 70.77.315, Possession or use of fireworks other than consumer fireworks purchased at retail pursuant to RCW 70.77.255.255 and RCW 70.77.315 and public display of fireworks as defined by RCW 70.77.160; and

WHEREAS, RCW 70.77.395(3) states a city or county may enact an ordinance to further limit or prohibit the sale, purchase, possession, or use of consumer fireworks; and

WHEREAS, the person designated by the governing body must grant a fireworks permit if state standards and any additional standards that are adopted by local ordinance pursuant to RCW 70.77.270 are met; and

WHEREAS, fireworks are a celebratory tradition and help bring families and communities together; however, they also create many negative health, environmental, and safety impacts; and

WHEREAS, according to the U.S. Consumer Product Safety Commission, in 2023, there were an estimated 9,700 fireworks-related emergency department-treated injuries; and

WHEREAS, fireworks release harmful gases, particulate matter, and various heavy metals into the soil, air, and water, posing a risk to humans and ecosystem health; and

WHEREAS, according to the National Fire Protection Association, fireworks started an estimated 32,302 fires in the U.S. in 2023 causing an estimated \$142 million in direct property damage; and

WHEREAS, in 2025, local Whatcom County fire departments responded to 68 fire and fireworks related calls over the Fourth of July weekend; and

WHEREAS, the loud and abrupt lights and sounds associated with fireworks have can be an extreme source of stress for both wildlife and domesticated animals; and

WHEREAS, the Whatcom Humane Society received 56 stray domestic animals from July 2 through 8, 2025 (compared to 37 from August 2 to 8) and received 66 wild animals, including six stranded marine mammals; and

WHEREAS, the sounds, sights, or smells of fireworks may be a traumatic experience for people, especially those with post-traumatic stress disorder (PTSD) associated with experiences of fire, explosion, gun violence, and serving in combat; and

WHEREAS, firework users often leave behind massive amounts of trash, some of which contains hazardous materials that leach into the surrounding land and water; and

WHEREAS, in 2025, around 6 tons of garbage was cleaned from Birch Bay following the Fourth of July holiday; and

WHEREAS, additional restrictions on firework discharge, especially in times of high fire danger or in environmentally protected areas, are needed to better protect Whatcom County residents and guests, increase animal welfare, reduce environmental impacts, lessen the burden on public responders, and mitigate risk of fire; and

WHEREAS, RCW 70.77.250(4) states that any ordinances adopted by a county or city that are more restrictive than state law shall have an effective date no sooner than one year after their adoption.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that Whatcom County Code Chapter 5.20, Fireworks, is hereby amended as outlined in Exhibit A to this ordinance; and

BE IT FINALLY ORDAINED by the Whatcom County Council that the effective date of this ordinance shall be June 23, 2027.

ADOPTED this ____ day of _____, 2026

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Cathy Halka, Clerk of the Council

Kaylee Galloway, Council Chair

APPROVED AS TO FORM:

WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON

Kimberly Thulin (via email 6/16/26-ko)

Civil Deputy Prosecutor

Satpal Sidhu, County Executive

() Approved () Denied

Date Signed: _____

EXHIBIT A
Chapter 5.20
FIREWORKS

Sections:

- ~~5.20.002 Purpose.~~
- ~~5.20.005 Definitions.~~
- 5.20.010 Permit – Required.
- ~~5.20.013 Commercial Permit Process.~~
- ~~5.20.015 Public Display Permit Process.~~
- 5.20.020 Permit – License required.
- ~~5.20.030 Permit – Application.~~
- ~~5.20.040 Permit – Application – Requirements.~~
- 5.20.050 Permit – ~~Application – Investigation~~ – Power to restrict or deny.
- 5.20.060 Permit – Fee.
- 5.20.070 Permit – Termination.
- ~~5.20.080 Permit – Location requirements.~~
- 5.20.090 Period of sale.
- 5.20.095 Period of use.
- 5.20.100 Seizure.
- 5.20.105 Special circumstances.
- 5.20.110 Illegal sale.
- 5.20.120 Fire nuisance prohibited.
- ~~5.20.125 Exemptions.~~
- 5.20.130 Violation – Penalties.
- ~~5.20.140 Enforcement.~~
- ~~5.20.150 Severability.~~

5.20.002 Purpose.

The purpose of this chapter is to supplement the applicable state fireworks law, Chapter 70.77 RCW ~~as enacted or as herein after amended~~. The provisions of this chapter shall be construed and applied in accordance with the definitions, requirements, and prohibitions of State law and all rules and regulations related to fireworks regulation issued by the State Fire Marshal.

5.20.005 Definitions.

The County incorporates by reference the definitions set for in the State Fireworks statute under Chapter 70.77 RCW as enacted and hereafter amended including but not limited to the following definitions:

Consumer Fireworks: as defined by RCW 70.77.136, any small firework device designed to produce visible effects by combustion and which must comply with the construction, chemical composition, and labeling regulations of the United States Consumer Product Safety Commission, as set forth in 16 C.F.R. Parts 1500 and 1507 and including some small devices designed to produce audible effects, such as whistling devices, ground devices containing 50 mg or less of explosive materials, and aerial devices containing 130 mg or less of explosive materials and classified as fireworks UN0336 by the United States department of transportation at 49 C.F.R. Sec. 172.101 as of June 13, 2002, and not including fused set pieces containing components which together exceed 50 mg of salute powder. Examples of consumer fireworks are outlined in WAC 212-17-025.

Display fireworks: as defined by RCW 70.77.131, large fireworks designed primarily to produce visible or audible effects by combustion, deflagration, or detonation and includes, but is not limited to, salutes containing more than 2 grains (130 mg) of explosive materials, aerial shells containing more than 40 grams of pyrotechnic compositions, and other display pieces which exceed the limits of explosive materials for classification as "consumer fireworks" and are classified as fireworks UN0333, UN0334, or UN0335 by the United States department of transportation at 49 C.F.R. Sec. 172.101 as of June 13, 2002, and including fused set pieces containing components which exceed 50 mg of salute powder.

Public display of fireworks: as defined by RCW 70.77.160, an entertainment feature where the public is or could be admitted or allowed to view the display or discharge of display fireworks.

Fire nuisance: as defined by RCW 70.77.165, anything or any act which increases, or may cause an increase of, the hazard or menace of fire to a greater degree than customarily recognized as normal by persons in the public service of preventing, suppressing, or

extinguishing fire; or which may obstruct, delay, or hinder, or may become the cause of any obstruction, delay, or a hindrance to the prevention or extinguishment of fire.

5.20.010 Permit – Required.

A. It is unlawful to sell, transfer, contract to sell or transfer, or accept orders for the sale or transfer of any fireworks ~~or, to make a public display of fireworks~~ within the unincorporated areas of Whatcom County without obtaining a valid permit as provided in this chapter, in addition to state requirements set forth in Chapter 70.77 RCW ~~and under county code Chapter 15.16~~. (Ord. 93-027; prior code § 4.40.010).

5.20.013 Commercial Permit Process.

A. Any person desiring to manufacture, import, possess, or sell any fireworks at wholesale or retail for any use or to transport fireworks, except as a licensee or as a public carrier delivering to a licensee, shall apply for a permit in writing to the Whatcom County Fire Marshal.

Commented [K01]: RCW 70.77.260(1)

B. The Fire Marshall or authorized designee, shall review and investigate each application for a permit to determine whether the applicant meets the criteria set forth in the state fireworks law pursuant to Chapter 70.77 RCW, the related provisions of the Washington Administrative Code, and requirements of this chapter.

C. No fireworks permit for retail purposes may be issued to any applicant unless the retail fireworks stand is covered by a liability insurance policy with the minimum coverage as outlined in RCW 70.77.270(3).

D. Whatcom County shall also require applicants comply with the statewide standards for retail fireworks stands set by the chief of the Washington State Patrol.

Commented [K02]: RCW 70.77.270(2)

5.20.015 Public Display Permit Process.

A. Any person desiring to put on a public display of fireworks shall apply for a permit in writing to the Fire Marshal or authorized designee at least ten days in advance of the proposed display.

B. The application for a permit for a public display of fireworks shall include evidence of a surety bond of certificate of insurance, as provided in RCW 70.77.285 and acknowledgement by the applicant, that the public display of fireworks is required to be handled or supervised by a pyrotechnic operator licensed by the chief of the Washington state patrol, through the director of fire protection.

C. Each application for a Whatcom County public display permit shall be investigated and reviewed by the Fire Marshal or authorized designee, who shall determine whether the applicant meets the criteria set forth in RCW 70.77, related provisions of the Washington Administrative Code, and requirements of this chapter.

D. Every public display of fireworks shall be handled or supervised by a pyrotechnic operator licensed by the chief of the Washington state patrol, through the director of fire protection, under RCW 70.77.255.

Commented [K03]: RCW 70.77.415

E. If a permit for the public display of fireworks is granted, the purchase, possession, and use of fireworks for the public display is lawful for the use authorized by the permit.

Commented [K04]: RCW 70.77.290

F. No fireworks permits shall be granted for public displays of fireworks within the Lake Whatcom watershed.

5.20.020 Permit – State License required.

A. No Whatcom County firework permit shall be granted unless the applicant has previously obtained, and has in force, a valid and subsisting license issued by the State of Washington as required by chapter 70.77 RCW. (Ord. 93-027; prior code § 4.40.060).

B. No license is required for the purchase of agricultural and wildlife fireworks by government agencies or religious organizations, if the criteria outlined in RCW 70.77.311 exemption from licensing provisions are met:

~~5.20.030 Permit — Application:~~

~~Any adult person desiring to do any act provided in Section 5.20.010 may make written application for a permit to the Whatcom County fire marshal at least 10 days prior to the effective date of such permit. (Ord. 93-027; prior code § 4.40.020).~~

Commented [K05]: Reformatted above to add clarity

~~5.20.040 Permit — Application — Requirements:~~

~~The application for permit must be signed by the applicant. Each application must be accompanied by proof of a valid and existing license as required in Section 5.20.020. (Ord. 93-027; prior code § 4.40.030).~~

~~5.20.050 Permit — Application — Investigation — Power to restrict or deny.~~

~~A. Each application for permit shall be investigated and reviewed by the fire marshal.~~

~~B. The Whatcom County fire marshal expressly reserves the power, in theirhis/her discretion, to deny such application, or to grant it subject to reasonable restrictions or conditions as theyhe/she shall prescribe for public safety or welfare. (Ord. 93-027; prior code § 4.40.070).~~

Commented [K06]: Moved above

~~5.20.060 Permit — Fee.~~

~~Each application for permit must be accompanied by an annual permit fee as set forth in the Whatcom County Unified Fee Schedule except as provided in WCC 5.20.020(B)Section 15.16.050 of this code. (Ord. 93-027; prior code § 4.40.040).~~

~~5.20.070 Permit — Termination.~~

~~Each permit granted under the provisions of this chapter is expressly issued subject to the condition that it shall automatically and forthwith cease and terminate coincidentally with the revocation or termination of the corresponding state license referenced in Section 5.20.020, or if any other provisions of Chapter 70.77 RCW are violated. (Ord. 93-027; prior code § 4.40.080).~~

~~5.20.080 Permit — Location requirements:~~

~~A permit shall be required for each and every separate location or place of business, or delivery point at which fireworks are transferred, sold, or delivered to purchasers. (Ord. 93-027; prior code § 4.40.050).~~

Commented [K07]: Moved above

5.20.090 Period of sale.

Fireworks may only be sold or offered for sale during the dates and times prescribed in RCW 70.77.395, under this chapter from 12:00 noon on June 28th to 12:00 noon on July 6th during the year for which the permit has been issued. No sales will be made between the hours of 11:00 p.m. and 8:00 a.m. on any day. (Ord. 93-027; prior code § 4.40.090).

5.20.095 Period of use and limitation.

Consumer fireworks may be used or discharged as follows:

~~A.~~ Between the hours of 6:00 p.m. and 11:00 p.m. on July 3rd;

~~BA.~~ Between the hours of 6:00 p.m. and 12:00 midnight on July 4th;

~~C.~~ Between the hours of 6:00 p.m. and 11:00 p.m. on July 5th;

~~DB.~~ Between the hours of 6:00 p.m. on December 31st and 1:00 a.m. on January 1st of the subsequent year, and as provided in RCW 70.77.311. (Ord. 2015-026 Exh. A).

C. Consumer fireworks Public displays of fireworks and consumer fireworks should not be prohibited from being used or discharged within 100 feet offrom homes, buildings, or other structures at risk of fire.

5.20.100 Seizure.

Any fireworks which are ~~illegally~~ sold, offered for sale, used, discharged, ~~or~~ possessed, or transported in violation of this chapter shall be subject to immediate seizure by the State Fire Marshal, ~~their~~his deputy, or the sheriff, ~~or~~ theirhis deputy. Any fireworks seized under the provisions of this section will be delivered to the State Fire Marshal or ~~their~~his deputy for disposition as provided under chapter 70.77 RCW. (Ord. 93-027; prior code § 4.40.100).

5.20.105 Special circumstances.

If/when Whatcom County issues a stage 2 ban on outdoor burning or if/when the Whatcom County Fire Marshal or authorized designee determines other extenuating emergency conditions exist, all discharge of consumer private fireworks ~~shall~~may be prohibited until the ban is lifted or the emergency condition(s) are mitigated or cease to exist; ~~at the discretion of and by order of the county executive, in coordination with the county fire marshal and the county sheriff.~~ If the Whatcom County Fire Marshal or authorized designee determines other extenuating emergency conditions exist, all discharge of consumer fireworks may be prohibited until the emergency condition(s) are mitigated or cease to exist, at the discretion of

and by order of the county executive in coordination with the county fire marshal and the county sheriff (Ord. 2015-038 Exh. A).

5.20.110 Illegal sale.

A. No person shall sell or transfer any fireworks to a customer or user thereof other than at the fixed place of business for which a license and permit have been issued, pursuant to RCW 70.77.480 as currently enacted or hereinafter amended. (Ord. 93-027; prior code § 4.40.110).

B. A permit shall be required for each and every separate location or place of business, or delivery point at which fireworks are transferred, sold, or delivered to purchasers. (Ord. 93-027; prior code § 4.40.050).

5.20.120 Fire nuisance prohibited.

A. ~~No person shall allow any rubbish~~ It is unlawful for a person to allow any combustibles to accumulate, or to permit any other act which constitutes a fire nuisance, in any premises where any fireworks are stored or kept for sale or transfer, ~~nor permit any other act at the licensed premises which constitutes a fire nuisance.~~ (Ord. 93-027; prior code § 4.40.120).

Commented [K08]: RCW 70.77.520

B. It is unlawful for any person to set off fireworks of any kind in forest, fallows, grass, or brush covered land, either on their own land or the property of another, between April 15th and December 1st of any year, unless it is done under a written permit from the Washington state department of natural resources or its duly authorized agent, and in strict accordance with the terms of the permit and any other applicable law.

Commented [K09]: RCW 70.77.495

5.20.125 Exemptions

This chapter does not prohibit the use of torpedoes, flares, or fuses by motor vehicles, railroads, or other transportation agencies for signal purposes or illumination or for use in forest protection activities, in accordance with RCW 70.77.530.

5.20.130 Violation – Penalties.

A. Except as permitted by this chapter, and state law, any person who possesses, discharges, or otherwise uses consumer fireworks in the county shall be guilty of a civil infraction and

subject to a civil penalty not to exceed \$1,000. The minimum civil penalty shall be \$250.00 per violation. Any other violation of this chapter shall be a misdemeanor. Violations of this chapter shall be defined as in county code Section 15.16.070, and shall be subject to the same penalties as stipulated therein. (Ord. 93-027; prior code § 4.40.130).

B. Pursuant to RCW 70.77.488, it is unlawful for any person to discharge or use fireworks in a reckless manner which creates a substantial risk of death or serious physical injury to another person or damage to the property of another. A violation of this section is a gross misdemeanor.

5.20.140 Enforcement

A. The Whatcom County sheriff or their deputy have the authority to levy fines and citations and seize fireworks under the provision of this code chapter.

B. The Whatcom County Fire Marshal, Sheriff, and their designees shall have the authority to enforce all other provisions of this chapter.

5.20.150 Severability.

If any portion of this chapter, or its application to any person or circumstance is held invalid, the remainder or application to other persons or circumstances shall not be affected.