

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

**ORDINANCE NO. \_\_\_\_\_**

**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 \_\_\_\_\_ day of \_\_\_\_\_, 2026

ATTEST:

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Cathy Halka, Clerk of the Council

APPROVED AS TO FORM:

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

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

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Kaylee Galloway, Council Chair

WHATCOM COUNTY EXECUTIVE  
WHATCOM COUNTY, WASHINGTON

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Satpal Sidhu, County Executive

(  ) Approved      (  ) Denied

Date Signed: \_\_\_\_\_

## 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 ~~42,000~~ 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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