

ORDINANCE NO. 2386  
INTRODUCED BY: Padilla

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO,  
AMENDING CHAPTER 8 OF THE BRIGHTON MUNICIPAL CODE BY THE ADDITION OF  
SECTION 8-40 TO ENACT OPEN FIRE AND BURNING RESTRICTIONS

WHEREAS, the devastation caused by the Marshall Fire in December 2021 demonstrates that the possibility of fire danger affects communities along the Front Range; and

WHEREAS, recent extreme weather conditions have increased the probable danger of fires within the City of Brighton (“City”); and

WHEREAS, in order to curb the probability of such fires, from time to time, as weather conditions require, it may be necessary to limit or restrict open fires and burning within the City; and

WHEREAS, the City Council finds and determines that it is necessary, proper, and in the best interests of the public to adopt open fire and burning restrictions which will facilitate and enable the proper regulation of open fires and burning within the City; and

WHEREAS, the City Council finds that the provisions of this ordinance further the health, safety, and welfare of the City’s residents and visitors.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF BRIGHTON,  
COLORADO, AS FOLLOWS:

Section 1. Section 8-40 of the Brighton Municipal Code, which had been reserved, is now replaced with the following:

ARTICLE 8-40 – Open Fire and Burning Restrictions

Sec. 8-40-010. – Definitions.

The following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this Section.

*Fire Code Official* means the Chief of the Brighton Fire Rescue District or his or her designee.

*Fire Marshall* means the Fire Marshall of the Brighton Fire Rescue District or his or her designee.

*Fireworks* shall mean “fireworks” as defined in Section 3302.1 of the 2018 International Fire Code and amended in this Article.

*Open fire or open burning* shall mean any outdoor fire, including, but not limited to, campfires, warming fires, the lighting of any fused explosives and fireworks of any kind or brand, the lighting of model rockets, and the burning of fence lines or rows, grasslands, fields, farmlands, rangelands, wildlands, trash, and debris. Open burning shall not include:

- (1) fires in liquid-fueled or gas fueled stoves, grills, or fireplaces;
- (2) fires in wood-burning fireplaces that are contained within buildings;
- (3) fires in charcoal grills at private one- and two-family residences;
- (4) fires in portable outdoor fireplaces;
- (5) commercial, professional, and municipal fireworks displays where specific written approval has been granted by the Fire Code Official; and
- (6) prescribed or controlled burns for agricultural or irrigation purposes along ditches located within and completely surrounded by irrigated farmlands where such burning is necessary for crop survival and specific written approval has been granted by the Fire Code Official.

*Portable outdoor fireplace* means a portable, outdoor solid-fueled burning fireplace that may be constructed of steel, concrete, clay, or other noncombustible material. A portable outdoor fireplace may be open in design or may be equipped with a small hearth opening and a short chimney or chimney opening in the top. This type of fireplace is sometimes known as a chiminea.

Sec. 8-40-020. – Authority.

- (a) The City Manager, or designee, in consultation with the Fire Marshall, shall have the authority to declare fire restrictions or a fire ban, if he or she determines that the totality of circumstances, including, but not limited to, current weather conditions, long- and short-term weather forecasts, lack of precipitation, fire restrictions in neighboring communities, regional fires and/or fires in close proximity to the City, live and dead fuel moisture levels, energy release component, atmospheric conditions, degraded air quality, and limited availability of suppression resources, have created a potential threat of fire hazards within the City.
- (b) The restrictions imposed by this Article shall take effect immediately upon issuance of an administrative order executed by the City Manager, and shall remain in effect until rescinded by a similar order. The City Manager shall notify the City Council within twenty-four (24) hours after the issuance of such administrative order. The authority granted under this Article is ongoing and administrative orders may be issued from time to time as conditions warrant.

Sec. 8-40-030. – Stage 1 fire restrictions; exemptions.

- (a) The following activities are prohibited when Stage 1 fire restrictions are in place: building, maintaining, attending, or using any fire or campfire.
- (b) The following activities are exempt from State 1 fire restrictions:
  - (1) Persons with a valid written permit from the Fire Code Official that specifically authorizes the otherwise prohibited act.
  - (2) Any federal, state, or local officer or member of an organized rescue or fire fighting force in the performance of an official duty.

- (3) Any fires contained within a liquid fuel or gas stove, fireplaces within buildings, and charcoal or propane grill fires at private residences, including in portable outdoor fireplaces.
- (4) A fire within a permanent constructed fire grate in a developed campground.
- (c) It shall be unlawful for any person to start, build, maintain, attend, or use an open fire or conduct open burning in violation of the prohibitions of Stage 1 fire restrictions in the City, including public, private, state, and federal lands, when such restrictions are in effect.

Sec. 8-40-040. – Stage 2 fire restrictions.

- (a) The following activities are prohibited when Stage 2 fire restrictions are in place: no open burning is allowed until further notice.
- (b) It shall be unlawful for any person to start, build, maintain, attend or use an open fire or conduct open burning in violation of the prohibitions of Stage 2 fire restrictions in the City, including public, private, state and federal lands, while such restrictions are in effect.

Sec. 8-40-050. – Enforcement.

The provisions of this Article shall be enforced by the Chief of Police, City police officers, and the Fire Code Officials as defined in the International Fire Code as adopted and amended in this Article.

Sec. 8-40-060. – Violations; penalties.

Any person who violates any provision of this Article commits a misdemeanor criminal offense.

Section 2. The purpose of this Ordinance is to provide for the health, safety, and welfare of the people.

INTRODUCED, PASSED ON FIRST READING AND ORDERED PUBLISHED THIS 14<sup>th</sup> DAY OF June, 2022.

INTRODUCED, PASSED ON FINAL READING AND ORDERED PUBLISHED BY TITLE ONLY THIS 28<sup>th</sup> DAY OF June, 2022.

CITY OF BRIGHTON, COLORADO

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GREGORY MILLS, Mayor

ATTEST:

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NATALIE HOEL, City Clerk

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APPROVED AS TO FORM:

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YASMINA SHAUSH, Assistant City Attorney