

TO: Town of Brighton Mayor and Town Council

FROM: Town Attorney Polly McLean

DATE: June 29, 2026 (updated)

RE: Discussion of Fire Restrictions

Background: The Town of Brighton already has proactively put into place significant wildfire-related restrictions through:

1. Brighton Municipal Code § 9.72.140 (**Restrictions on Open Burning**) – If not other restrictions are in place, allows certain types of open burning and allows for burning of tree cutting. ***Recommend Council direct staff to amend this section at a future Council Meeting. Since other restrictions are in place, proposed amendment can happen later this summer.***
https://brighton.municipalcodeonline.com/book?type=ordinances#name=9.72.140_Open_Burning_-_Restrictions_And_Permit_Requirements
2. Brighton Municipal Code Chapter 9.90 (**Wildland-Urban Interface Fire and Fireworks Restrictions**); BMC 9.90.030 **prohibits open flames, smoking and fireworks** everywhere in town year round. The only exceptions are **campfires built within the facilities provided for them in improved campgrounds, picnic areas or permanently improved places of habitation.**
https://brighton.municipalcodeonline.com/book?type=ordinances#name=9.90.030_Fire_Restrictions
1. Resolution No. 2026-R-4-3 (Town-wide Class C Fireworks Restrictions for the summer period). State Code supersedes our local code and requires towns to allow fireworks during the July holidays unless we adopt a resolution based on historic hazardous environmental conditions. Based on our historic conditions, the Town has banned fireworks during these two July holiday periods. https://s3-us-west-2.amazonaws.com/municipalcodeonline.com-new/brighton/resolutions/documents/1781218363_Brighton%202026-R-4-3%20Fireworks.pdf

These provisions already regulate or prohibit many activities commonly addressed by State Stage 1, State Stage 2, and U.S. Forest Service (“USFS”) Stage 1 restrictions.

1. **State Stage 1** restrictions have **substantially the same open flame, smoking and fireworks prohibitions** that Brighton already has in place. (requires fires to be in approved fire rings or grills at developed campgrounds and day-use areas with pressurized water systems, or in permanently constructed fire pits at private residences with access to pressurized water.) Stage 1 additionally prohibits: Cutting, welding, or grinding metal in areas of dry vegetation and Operating a motorcycle, chainsaw, ATV, or other small internal combustion engine without an

approved and working spark arrestor. ***Council may want to include those two extra provisions in the Brighton Code so that they are in effect at all times.***

2. **State Stage 2** restrictions are the same as Stage 1 except they are more restrictive for open flames and include prohibitions on **any fire** including at campgrounds or homes. It is a no ember rule. The only exceptions are: Devices using pellets, pressurized liquid or gas (stoves, grills or lanterns) that include shutoff valves when used in an area at least three feet or more from flammable material such as grasses or pine needles.
3. **USFS Stage 1** uses slightly different terminology than the State Stage 1 restrictions. Allows for fires in fire structures within designated areas, allows gas camp stoves

See chart at end of report.

Note: Fireworks are prohibited in Brighton and on USFS land at all times.

Next steps:

Today you considered an ordinance to match the Stage 2 State restrictions which restricts camp and outdoor fires. It also includes the welding/cutting of metals and small engines without spark arrestor. State Code requires that any restrictions be put in place by the legislative body.

For future years you could consider the following options:

- 1) Amend 9.90.030 to include all fires for the summer months.
- 2) Evaluate fire danger in May when considering the fireworks resolution and put more restrictive open flame prohibitions at that time.
- 3) Have as a standing item on the Council agenda in the summer consideration of increasing the restrictions, and evaluate the risk every month.
- 4) Hold a special meeting
- 5) The Mayor could declare a local emergency, issue an emergency order.

Future Code Amendments/Clean Up:

- 1) Update Brighton Municipal Code § 9.72.140 (**Restrictions on Open Burning**)
- 2) Consider matching BMC 9.90.030 more closely to Stage 1 fire restrictions.
- 3) Update BMC 9.90.030 to clarify definitions such as “facilities” and “permanently improved places of habitation.” Define what a fire pit is, require spark arrestors.
- 4) Include in fire restriction section that that no open flames in Short term rentals at any time.

Topic	Brighton § 9.90.030	State Stage 1	State Stage 2	USFS – Stage 1
Open flames & campfires	Setting, building, maintaining, attending or using open flames of any kind is prohibited, except campfires built within the facilities provided for them in improved campgrounds, picnic areas or permanently improved places of habitation. § 9.90.030(A)(1)	Open fires are prohibited except in approved fire rings or grills at developed campgrounds and day-use areas with pressurized water systems, or in permanently constructed fire pits at private residences with access to pressurized water.	Building, maintaining, attending or using, campfire, or stove fire.	Prohibited: Igniting, building, maintaining, or using a fire, including charcoal and briquettes. This includes smudge pots. Allowed: Having a campfire within a fire structure that is provided by the Forest Service within a designated area
Stoves, grills & cooking devices	Allowed.	Allowed.	Prohibited - Charcoal grills and barbecues, coal and wood burning stoves and tent stoves and includes use at homes and in developed camping and picnic grounds. Allowed - Devices using pellets, pressurized liquid or gas (stoves, grills or lanterns) that include shutoff valves when used in an area at least three feet or more from flammable material such as grasses or pine needles.	Prohibited: charcoal and briquettes. Allowed: Using a stove or grill that is solely fueled by pressurized liquid petroleum or pressurized liquid petroleum gas (LPG) fuels.
Smoking	Smoking is prohibited, except within an enclosed vehicle or building, a developed recreation site or while stopped in the center of an area of at least ten feet in diameter that is barren or cleared to mineral soil or is covered by concrete or asphalt. § 9.90.030(A)(2)	Smoking is prohibited except within an enclosed vehicle, trailer, building, developed recreation site, or in an area that is paved or free from dry vegetation.	Same as Stage 1.	Smoking allowed within an enclosed vehicle or building, a Developed Recreation Site, or while stopped in an area at least three (3) feet in diameter that is barren or cleared of all flammable material.