



# TOWN OF FAIRFAX

## STAFF REPORT

### April 1, 2015

**TO:** Mayor and Town Council

**FROM:** Garrett Toy, Town Manager *GT*

**SUBJECT:** Accept Building Official's report on possible violations of the Town Code related to the burning of wood at 34 Rocca Drive

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#### **RECOMMENDATION**

Accept the Building Official's report regarding 34 Rocca Drive

#### **DISCUSSION**

At the March 4<sup>th</sup> Council meeting, the Building Official was asked to look into the following possible code violations at 34 Rocca Drive:

1. Town Code 8.64.100 Operation of Non-Compliant Wood Stoves and Inserts.
2. Town Code 8.64.120 Prohibited Fuels.
3. Town Code 1.12.045 Substandard or Dangerous Property Conditions

The Building Official inspected the home and found that the wood stove that is being used is an EPA Certified Lennox (Earth Stove) BV4000C fireplace insert with an emission rate of 1.9 G/Hr and a 72% efficiency rating. It uses a Catalytic Converter. The maximum amount of G/Hr allowed in order to be certified is 7.5 G/Hr. At 1.9 G/Hr., the one being used has one of the lowest emission rates when working properly. Older non-compliant wood stoves produce between 15-30 G/Hr. Catalytic wood stoves need to be serviced every two years. The owner stated that he starts a fire in the morning and it burns clean until a few hours later when it cools down and starts to smolder. He believes it is the smoldering later in the day that upsets his neighbor. The owner has agreed to stop using the stove until it is serviced, and is not planning on burning until next winter. The stove is no longer manufactured and the owner is aware that he will not be able to use if it cannot be serviced to meet the listed emission rates.

The Building Official was not able to find any evidence that garbage or any other types of trash were being burned. Typically, when persons burn garbage they do not have a service agreement with Marin Sanitary. It was confirmed that the owners of 34 Rocca do have garbage service. Additionally, the owner allowed the building official to inspect the home unannounced, who did not see anything but dry oak stacked near the woodstove. The owner stated to the Building Official, Fire Inspector, and Police that only dry wood such as oak and almond was being used. The Fire Inspector and Police had previously inspected the property in response to a complaint.

The property has a lot of items stored around a fairly large parcel. The way that the items are placed is not typical to a hoarding situation in that they are stored in an orderly manner. The interior of the home was neat and orderly, also unlike a typical hoarding situation.

#### **FISCAL IMPACT**

None