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CHAPTER 3

BUILDING AND CONSTRUCTION

ARTICLE 3.100 GENERAL

- (a) All new construction is limited to single-family residential with a minimum square footage of 3000 square feet of heated and air-conditioned living space.
- (b) Existing dwellings may not be altered to anything other than single-family residential.
- (c) From the date this chapter takes effect, all new construction, alteration of existing structures, construction of storage buildings, sheds and other accessory buildings, patio covers, pools, fences and driveways shall be constructed in accordance with the building codes and rules of construction adopted in this chapter, and with any local amendments to such codes and in accordance with the other requirements of this chapter.
- (d) All such construction, or alteration, shall be pursuant to and in compliance with a permit issued by the City.
- (e) For new home construction, a set of plans shall be posted on-site at all times.
- (f) A Certificate of Occupancy, issued by the City, shall be required prior to occupancy and use of newly constructed residences.

ARTICLE 3.200 BUILDING PERMITS

Section 3.201 Time Limits

- (a) Initial building construction permits shall have the following time limits:
 - (1) Residential, single-family – 9 months
 - (2) Residential storage buildings and barns – 9 months
 - (3) Remodels – 9 months
 - (4) Pools – 6 months
 - (5) Fences – 90 days
 - (6) Permits not otherwise specified – 90 days

- (b) Unexpired permits for new single-family residences will be allowed two 90-day extensions at one-half their original fee.
- (c) All other unexpired permits will be allowed one 90-day extension at one-half their original fee.
- (d) All expired permits must be extended by purchasing a new permit after approval by City Council.

Section 3.202 Fees

- (a) The schedule of fees as provided for in the fee schedule found in Chapter 12 of this code shall be charged for permits for construction inside the city limits of Oak Leaf, Texas.
- (b) No fee is required for an FFA project. Temporary structures and pens must be inspected and disposed of at the end of the project.
- (c) No permit fee is required for work involving buildings or structures, the title of which is directly vested in the U.S. Government, State of Texas, Ellis County, City of Oak Leaf or public school districts.
- (d) Any construction begun or completed without a valid permit shall be assessed twice the normal permit fee.

ARTICLE 3.300 APPLICABLE CONSTRUCTION CODES

Section 3.301 General

- (a) The codes adopted by this article are for the purpose of establishing rules and regulations for construction, alteration, removal, demolition, use and occupancy, location and maintenance of buildings and structures, including permits, and the same are hereby adopted and incorporated fully as if set out at length herein, subject to all amendments, deletions and conflicting provisions contained in this Code of Ordinances. From the date on which this article shall take effect, the provisions thereof shall be controlling in the construction of all buildings and structures within the corporate limits of the City.
- (b) Any local amendments shall prevail over any conflicting provisions of the codes adopted by the article.

Section 3.302 Fire Code

The 2009 edition of the International Fire Code with 2009 North Central Texas Council of Governments (COG) amendments is hereby adopted as the official fire code of the City of Oak Leaf, Texas, and is fully incorporated by reference as though copied into the ordinance in its entirety. The material contained in such code shall not be included in the formal municipal codification of ordinances but shall be maintained as a public record in the office of the city secretary and will be available for public inspection and copying during regular business hours.

Section 3.303 Residential Code

The 2009 edition of the International Residential Code is hereby adopted as the official residential code of the City and is fully incorporated by reference as though copied into this ordinance in its entirety. The material contained in such code shall not be included in the formal municipal codification of ordinances but shall be maintained as a public record in the office of the city secretary and will be available for public inspection and copying during regular business hours.

Section 3.304 Building Code

The 2009 edition of the International Building Code with 2009 COG amendments is hereby adopted as the official building code of the City and is fully incorporated by reference as though copied into this ordinance in its entirety. The material contained in such code shall not be included in the formal municipal codification of ordinances but shall be maintained as a public record in the office of the city secretary and will be available for public inspection and copying during regular business hours.

Section 3.305 Electrical Code

The 2008 edition of the National Electrical Code with COG amendments is hereby adopted as the official electrical code of the City and is fully incorporated by reference as though copied into this ordinance in its entirety. The material contained in such code shall not be included in the formal municipal codification of ordinances but shall be maintained as a public record in the office of the city secretary and will be available for public inspection and copying during regular business hours.

Section 3.306 Plumbing Code

The 2009 edition of the International Plumbing Code with COG amendments is hereby adopted as the official plumbing code of the City and is fully incorporated by reference as though copied into this ordinance in its entirety. The material contained in such code shall not be included in the formal municipal codification of ordinances but shall be maintained as a public record in the office of the city secretary and will be available for public inspection and copying during regular business hours.

Section 3.307 Mechanical Code

The 2009 edition of the International HVAC/Mechanical Code with 2009 COG amendments is hereby adopted as the official HVAC/mechanical code of the City and is fully incorporated by reference as though copied into this ordinance in its entirety. The material contained in such code shall not be included in the formal municipal codification of ordinances but shall be maintained as a public record in the office of the city secretary and will be available for public inspection and copying during regular business hours.

Section 3.308 Fuel Gas Code

The 2009 edition of the International Fuel Gas Code with COG amendments is hereby adopted as the official fuel gas code of the City and is fully incorporated by reference as though copied into this ordinance in its entirety. The material contained in such code shall not be included in the formal municipal codification of ordinances but shall be maintained as a public record in the office of the city secretary and will be available for public inspection and copying during regular business hours.

Section 3.309 Swimming Pool Code

(a) The 2012 edition of the International Swimming Pool and Spa Code with COG amendments is hereby adopted as the official code of the City and is fully incorporated by reference as though copied into this ordinance in its entirety. The material contained in such code shall not be included in the formal municipal codification of ordinances but shall be maintained as a public record in the office of the city secretary and will be available for public inspection and copying during regular business hours.

(b) Local Requirements:

- (1) For new in-ground and partially in-ground pool construction, the minimum distance from the water's edge to the side and rear property line shall not be less than 15 feet. The minimum distance from the water's edge to a dwelling or accessory building shall not be less than 15 feet.

- (2) No swimming pool shall be located within the front-yard setback or within a public or private easement.
- (3) An in-ground and partially in-ground swimming pool shall, prior to being filled with water, be provided with a 48-inch high barrier designed to prevent access through such barrier, and it shall be continuously maintained with gates or doors equipped with self-closing and self-latching devices that are securely closed at all times when the pool is not in actual use or is unsupervised or unmonitored.
- (4) Access gates shall be equipped to accommodate a locking device sufficient to prevent access to the swimming pool through such gate when the swimming pool is not in actual use or is unsupervised or unmonitored.
- (5) All doors and operable windows with a sill height less than 48 inches that provide direct access to a pool shall have an alarm that produces an audible warning when the door or its screen or window is opened. The deactivation switch shall be located 54 inches or more above the threshold of the door.
- (6) On-ground pools shall have the ladder or steps secured, locked or removed to prevent access when the pool is not in use or when the pool is unsupervised or unmonitored.
- (7) Spas and/or hot tubs shall be exempt from the barrier requirements in this section if they have a hard cover in place that fully encloses and prevents entry into such spa or hot tub when not in use or is unsupervised or unmonitored.

ARTICLE 3.400 OTHER RULES OF CONSTRUCTION

Section 3.401 Roofing

- (a) Wood shingles shall not be used within the city limits of the City of Oak Leaf, Texas.
- (b) Fiberglass or approved 320 lb. weight shingles or better must be used.
- (c) Metal roofing is allowed only if it is 20 lb. terne metal or 16 oz. copper as approved by the building inspector per the International Building Code.

Section 3.402 Masonry Exterior

All new principal dwellings shall have a minimum of 80 percent masonry total on exterior walls.

Section 3.403 Fireplaces

All factory-built fireplaces shall be accepted when installed in a masonry enclosure and vented by a masonry chimney or through a masonry enclosure.

Section 3.404 Power

All electric in the city shall be underground.

Section 3.405 Driveways and Culverts

- (a) Driveways shall be at least ten feet in width. Width shall be a minimum of 16 feet where the driveway approach connects to the public street, and approach width shall be a minimum of 12 feet.
- (b) Driveways less than 100 feet in length shall be constructed of concrete that is ~~four~~ five (5) inches thick and reinforced with a minimum of three-eighths (3/8) inch rebar 18 inches on center.
- (c) Driveways that are greater than 100 feet in length shall have the approach and first 100 feet adjoining the roadway paved in concrete. The remainder may have an all-weather driving surface constructed of gravel, crushed concrete or other suitable material.
- (d) Culverts shall be minimum 18-inch diameter reinforced concrete or hot dipped galvanized corrugated metal pipe. Culverts shall extend away from each side of driveway on a slope no greater than three horizontal to one vertical and include a concrete safety end treatment. Culverts shall be sized to accept the amount of storm water that would naturally drain to that point, including any improvements made concurrently that affect the natural drainage patterns. Driveways that contain, abut or cross drainage ditches or creeks may require additional evaluation to determine the proper size of drainage improvements. Each property owner shall be responsible for keeping the culverts and drainage ditches open on his property.

Section 3.406 Accessory Buildings

- (a) An accessory building is a permanent building or structure that is not attached to the main residence. Examples are carports, storage sheds, pavilions and garages.
- (b) Accessory buildings shall be constructed from pre-engineered metal, brick, wood or comparable weather bearing material.

- (c) A permit shall not be issued for an accessory building unless a primary residence exists on the property or is under a current building permit for its construction.
- (d) An accessory building shall be limited to the height of the main building or 25 feet, whichever is less.
- (e) An accessory building shall be placed to the rear of the front plane of the house. For corner lots, placement is recommended to be unobtrusive to view from all visual neighbors.
- (f) An accessory building shall be 5 feet from the side property lines or 5 feet from the fence. If the fence is on the property line, the building shall be a distance of 5 feet from the fence.
- (g) Carports shall have the horizontal portions of the framework not less than eight feet or more than 12 feet above grade (natural ground elevation).
- (h) A carport shall be placed with consideration to the building setback lines of the property designated by the City.
- (i) Garage doors, if used in the design of the building, shall face the side or rear property line. For lots less than one acre where alleys are unavailable or in areas where placement creates a difficulty, the property owner may apply for a variance.
- (j) An accessory building or multiple accessory buildings shall be limited to total square footage as follows:
 - (1) 600 sq. ft. for a lot size of less than one-half acre.
 - (2) 900 sq. ft. for a lot size of 0.50 acre to 0.99 acre.
 - (3) 1200 sq. ft. for a lot size 1.0 acre to 2.49 acres.
 - (4) 2400 sq. ft. for lot size 2.50 acres and above.
- (k) Open-air structures, including but not limited to carports and gazebos, are not included when calculating allowable accessory building(s) sizes, as follows:
 - 1) Open-air structure(s) shall not have more than 50% enclosed space and the enclosed space shall not be used for storage.
 - 2) Open-air structure(s) cannot exceed the total square footage allowed for accessory buildings specified above.

- (l) This article does not apply to temporary unattached buildings or portable storage containers necessitated by a remodeling project or natural disaster providing a time limit of 90 days is observed.

Section 3.407 Fences

- (a) An application for a fence permit to erect a fence must include:

- (1) Applicant's name and address; and if the person represents a company or corporation, the name and address of the foreman of the company or corporation together with the name of the president of same shall be supplied.
- (2) Name of owner of the property.
- (3) Local address where fence is to be erected.
- (4) Type of fence.
- (5) Height of fence.
- (6) A plat plan drawing indicating the fence line.

- (b) A fence may not exceed eight (8) feet in height.

- (c) Solid privacy-type fences and chain link fences are prohibited in front yards. In addition, new fences in front yards must be compatible in appearance and quality with other front yard fences in the same neighborhood so as to preserve property values in the neighborhood. For instance, a wire and pipe fence would normally not be compatible in a neighborhood where all other fences are wrought iron.

- (d) On all corner lots where the rear lot line is adjacent to a side lot line or across an alley from such side lot line, no fence exceeding three (3) feet in height shall be constructed outside the designated building line along the side or rear yard which is next to the street.

- (e) Appropriate fencing materials shall include wrought iron, chain link, wood, vinyl, masonry or other approved material unless a specific regulation herein requires that a fence be constructed of a specific material. Gates must be compatible with the fencing in design, material and height. All posts shall be steel, vinyl or other approved material and must be set in concrete facing the inside of the property, so that the finished side of the fence faces out. Barbed wire and chicken wire are prohibited for residential fence construction. Hog wire, horse wire and cattle wire are likewise prohibited unless framed by and constructed as part of an iron or steel pipe fence.

- (f) It shall be unlawful for any fence to be erected in an area zoned for residential use that is electrically charged in any form or manner except for properties with agricultural tax bases assigned by the Ellis Central Appraisal District. Properties with this designation may use UL approved livestock type electrified fences and are responsible for establishing safety measures on such fences and maintaining same. An electric fence greater than twenty-four (24) volts shall be clearly marked at fifty-foot intervals with a warning sign, which shall state that the fence is electric. All liability for such fences lies with the property owner.
- (g) In order to allow for the entrance and exit of fire department and police department personnel, there must be at least one gate no less than three-feet wide on each fence that is adjacent or parallel to a public alley or utility easement. This does not pertain to those easements which the city has allowed to be completely fenced in.
- (h) In all residential developments with rear or side entry access to a garage or carport, clear visibility must be maintained for at least ten (10) feet from the corner of the driveway, alley or street in both directions on both sides of the drive.
- (i) No fence shall ever be constructed on a corner that does not afford proper visual clearance for traffic approaching the intersection in either direction.

**ARTICLE 3.500 COMPLIANCE TO BE DETERMINED
BY INSPECTIONS OF BUILDING INSPECTOR**

Section 3.501 Appointment and Qualifications of Building Inspector

- (a) The building inspector shall be hired by the mayor with the approval of the City Council and shall serve at the pleasure of the mayor and the Council.
- (b) The building inspector may be an employee of the City of Oak Leaf, or may be hired as an independent contractor, or may provide services through an Interlocal Agreement with the City. The building inspector shall not be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his official duties.
- (c) The building inspector shall have requisite knowledge of:
 - (1) Various materials used in construction and the approved uses of such materials.
 - (2) Various materials used in plumbing and electrical wiring installation and the approved uses of such materials.

- (3) Principles of air conditioning and refrigeration.
- (4) Appropriate foundations for various soil types.
- (5) Modern construction methods and practices.
- (6) Basic mathematical principles.
- (7) Pertinent federal, state, and local laws, codes and regulations.

Section 3.502 Duties of Building Inspector

- (a) The building inspector shall be authorized and directed to enter any premises or building within the city to conduct building structural, electrical, mechanical and plumbing inspections throughout all phases of construction in order to administer and enforce the codes and other construction rules in this chapter. He shall have such authority as may be necessary in the interest of public health, safety and general welfare to interpret and implement such codes and rules.
- (b) The building inspector shall tag all inspections and no construction work shall proceed without the inspector's green tag.
- (c) The building inspector shall provide the city secretary with the information necessary to maintain records of all such inspections.
- (d) When requested by staff or the City Council, the building inspector shall review construction plans and specifications for compliance with adopted codes and rules.

Section 3.503 Types and Numbers of Inspections to be Conducted by Building Inspector

- (a) Building Inspections – 6
 - (1) Site inspection with plan review – prior to issuance of permit.
 - (2) Foundation inspection (placement on lot, concrete forms, reinforcing steel, vapor barrier, etc.).
 - (3) Framing inspection (wood framing, anchoring, roof deck, etc.).
 - (4) Insulation.
 - (5) Concrete flat-work (driveway approach, driveways, walkways, etc.).
 - (6) Final (fireplace, air vents, roofing, flashings, drainage, etc.).
- (b) Electrical – 3
 - (1) Temporary pole (prior to starting construction).

- (2) Rough-in (all wiring in place, and not covered up, main entrance and breaker box locations established).
 - (3) Final (all outlets wired, appliances connected, light bulbs installed, cover plates in place, etc.).
- (c) Plumbing – 3
- (1) Rough-in (all piping to be covered up under the building, water tested, may include house sewer and water service from meter to building).
 - (2) Top-out/stack-out (all above floor piping through the roof, includes fixture arms, etc.).
 - (3) Final (all fixtures set and working, water stops installed, outside hose bibs in place, etc.).
- (d) Heating and Air Conditioning – 2
- (1) Rough-in (duct work, placement of heating unit, condensation drain, vents, etc.).
 - (2) Final (air outlet registers in place, ducts insulated outside cooling unit installed correctly, etc.).
- (e) Swimming Pool, In-Ground and Partially In-Ground – 3
- (1) Rough-in (underground plumbing and electrical, pool location on lot, drainage, etc.).
 - (2) Deck and belly steel.
 - (3) Final (finished plumbing, electrical, safety barriers, etc.).
- (f) Fence – 2
- (1) Site review
 - (2) Final (survey stakes, fence in line with stakes, type and height of fence, clean-up, etc.).
- (g) Accessory Building – 4
- (1) Site and plan.
 - (2) Foundation.
 - (3) Framing, roofing, etc.
 - (4) Final, including electrical and plumbing, if applicable.
- (h) Portable Move-In Building – 3

- (1) Site and plan.
 - (2) Flatwork, electrical and plumbing, if applicable.
 - (3) Final.
- (i) Miscellaneous – 3 (Includes antenna, hot-tub/spa, flatwork, retaining wall, storm shelter, etc.)
- (1) Plans/site.
 - (2) Flatwork steel, if applicable.
 - (3) Final.