

NOTE: This Approval is valid for the application in question only.

.....  
BUILDINGS CONTROL OFFICER

.....  
DATE

S.I. 20/2016

**BUILDINGS REGULATION (ELECTRONIC COMMUNICATIONS TOWER) RULES**

(SECTION 19)

*[Commencement 5th April, 2016]*

**PART I - PRELIMINARY**

Citation.

1. These Rules may be cited as the Buildings Regulation (Electronic Communications Tower) Rules.

Interpretation.

2. In these Rules —

“agency” means a governmental or non-governmental agency;

“building” means an electronic communications tower;

“day” means a working day;

“electronic communications tower” means any structure designed and constructed primarily for the purpose of supporting one or more antennae for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed, stealth or monopole towers, stub masts and includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures and any structure and support thereto, but does not include any apparatus used for attaching small antennae to an existing building or structure;

“land use area” means an area designated by order by the Minister responsible for island and urban planning for the purposes specified in the order;

“small antennae” means antennae not exceeding two feet in length and includes microcells and picocells;

“tower” means an electronic communications tower;

“transportable tower” means a tower that has the ability to be transported from one location to another and includes Cells on Wheels and Cells on Light Trucks.

3. These Rules shall apply to building operations in respect of electronic communication towers and a building permit issued hereunder shall be for the erection of such class of buildings.

Application of Rules.

## PART II - APPLICATION PREREQUISITES

4. Prior to the submission of an application for the erection or modification of a proposed tower, an intended applicant must demonstrate that the Utilities Regulation and Competition Authority (hereinafter referred to as the “Authority”) has given approval to the holder of a licence issued pursuant to Part IV of the Communications Act (hereinafter referred to as the “licensee”) stating that it has no objection to the erection or modification of the proposed tower.

Prerequisite approval.

Ch. 304.

5. (1) Prior to submission of an application for the erection or modification of one or more towers within a residential land use area set out in the First Schedule, the intended applicant in conjunction with the licensee, where applicable, must engage in a consultative process with interested parties including members of the community.

Obligation to consult.

First Schedule.

(2) Pursuant to paragraph (1), the intended applicant in conjunction with the licensee, where applicable, must issue a notice inviting persons to attend a town meeting to be held within ten days, but no sooner than five days from the publication of the notice.

(3) A notice issued pursuant to paragraph (2) must —

(a) be communicated —

- (i) in two issues of two newspapers published and circulated in The Bahamas at intervals of not less than three days;
- (ii) to the offices of the Buildings Control Division and the Department of Physical Planning (hereinafter referred to as the “Department”);
- (iii) if available, on the website of the licensee;

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- (iv) by physical distribution of such within the community;
  - (v) in at least two public community announcements by radio or otherwise; and
  - (vi) in such other manner as the licensee considers necessary,
- for the period commencing on the date of the issuance of the notice until the date of the town meeting; and

(b) specify —

- (i) the date and time of the meeting;
- (ii) the purpose of the meeting and a detailed description of the tower to be constructed or modified and the proposed location, if applicable;
- (iii) the date on or before which any objections to the proposed construction or modification may be made in writing;
- (iv) that any objection against the proposed tower or modification may be made in writing and received by the Buildings Control Officer and the licensee on or before the date stated in the notice;
- (v) that a copy of any written submission will be forwarded to the Town Planning Committee (hereinafter referred to as “the Committee”) for their consideration and to become part of the public record with respect to the application;
- (vi) that a person who does not make —
  - (aa) oral submissions at the town meeting; or
  - (bb) written submissions to the Buildings Control Officer on or before the dates specified in the notice,is not entitled to appeal the decision of the Committee, or be added as a party to any hearing of an appeal, unless there are reasonable grounds to do so.

(4) The applicant must also submit a report summarising the feedback received from the town meeting along with the tower application to the Buildings Control Officer.

(5) The Department shall cause notes to be taken by a representative thereof with respect to any objections made at any town meeting held.

### **PART III - MANNER OF APPLICATION AND METHODS OF CONSIDERATION**

- 6.** (1) Notwithstanding any laws to the contrary, an application for the grant of a building permit to erect or modify a tower in New Providence or a Family Island (other than the Port Area) shall be submitted in writing and shall be delivered by hand or electronically to the Buildings Control Officer in the form set out in Part A of the Second Schedule and accompanied with —
- (a) the requisite non-refundable application fee as set out in the Third Schedule; and
- (b) the following supporting documentation —
- (i) a duly completed form for approval by the Town Planning Committee as set out in the Fourth Schedule;
  - (ii) written proof from the Authority stating that it has no objection to the construction or modification of the proposed tower;
  - (iii) a location and a site plan;
  - (iv) a survey drawing of the site;
  - (v) details of the outcome of any consultative process carried out in accordance with rule 5(1), including any objections raised in respect of the proposed tower or modification in respect thereof;
  - (vi) details of the specifications of the on-site generator to be installed;
  - (vii) a duly completed form as set out in the Fifth Schedule for approval by the Civil Aviation Department;
  - (viii) the architectural drawings of the tower, authenticated by a local registered architect;
  - (ix) the structural drawings of the tower, authenticated by a local registered structural engineer;
  - (x) the mechanical and electrical drawings of the tower, authenticated by a local registered mechanical or electrical engineer;
  - (xi) a geotechnical study;

Application for approval to erect or modify a tower.

Second Schedule.

Third Schedule.

Fourth Schedule.

Fifth Schedule.

Sixth Schedule.

(xii) where a tower is to be installed near, or with the potential to impact environmentally sensitive areas as classified by the Ministry responsible for the Environment, a request for environmental clearance as set out in the form in the Sixth Schedule;

(xiii) where applicable, satisfactory evidence from —

(aa) the relevant authority confirming that approval has been granted for the tower to be erected or modified on leased crown or agricultural land;

(bb) any owner of private property, confirming his non-objection to the erection or modification of a tower on that owner’s property;

(cc) the relevant body, confirming that approval has been granted by that body on behalf of the community for a tower to be erected or modified within that community;

(xiv) where applicable, approval from the Director of Forestry to harvest protected trees under the provisions of the Forestry Act.

Ch. 242A.

(2) At the time at which an application is made, the Buildings Control Officer shall require the holder of the building permit to enter into a bond shown in the form in Part B of the Second Schedule to cover the cost associated with dismantling and removing a tower and any supporting structures above or below ground level.

Second Schedule.

(3) Upon receipt of the application and all the supporting documentation, the Buildings Control Officer shall within two days, examine every application to ensure compliance with paragraph (1) and shall forward the application and supporting documentation to the Director of Physical Planning (hereinafter referred to as the “Director”) for consideration and approval by the Committee.

(4) For the purpose of these Rules —

(a) “Port Area” shall have the same meaning ascribed thereto in the Interpretation and General Clauses Act;

Ch. 2.

(b) “environmentally sensitive areas” shall include

wetlands, historical sites, blue holes, natural conservation areas, national and marine parks and coastal areas.

**7.** (1) Where required, the Director shall forward certain of the relevant supporting documentation to the respective agency within five working days thereof for consideration and approval by that agency.

Consideration by relevant agencies.

- (2) The respective agency shall —
  - (a) assess the documentation received;
  - (b) request any additional documentation from the applicant that the agency considers necessary;
  - (c) forward a written decision to the Director and giving its reasons where the agency has an objection to the application.
- (3) The Director shall upon —
  - (a) receipt of the decision of the relevant agencies; and
  - (b) completion of its own assessment of the relevant part of the application,

prepare and submit a report with recommendations within five days for consideration by the Committee.

**8.** (1) The applicant must demonstrate, and the Director and the Committee in considering the relevant parts of the application, must be satisfied that —

Consideration by Director and Committee.

- (a) subject to paragraph (2), the established minimum setbacks specified in Part A of the Seventh Schedule and the minimum site area around self support towers specified in Part B of the Seventh Schedule will be adhered to;
- (b) any tower to be constructed in proximity to sensitive sites, such as schools, hospitals, children's play areas, residential areas, will be placed as far as possible from such sites without compromising any of the setback standards set out in the Seventh Schedule;
- (c) setbacks are measured from the base of the tower or protruding building structure at the base of the tower, to the relevant facility or its property or boundary line, where applicable;
- (d) the foremost part of each tower including any attachment thereto shall be at least ten to twelve feet from the physical barrier and any electronic

Seventh Schedule. Seventh Schedule.

Seventh Schedule.

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equipment to be installed will be at least seven feet from the perimeter fence;

- Eighth Schedule.
- (e) subject to paragraph (3), the minimum distance between a proposed self-supporting tower and any existing self-supporting tower will be as set out in the Eighth Schedule;
- (f) any roof-mounted tower and any façade mounted antenna would not, by itself or together with another tower or antenna located on the same roof or façade as appropriate, exceed the maximum percentage surface area set out in the Ninth Schedule or as may otherwise be determined by the Director;
- Ninth Schedule.
- (g) subject to paragraph (3), the proposed tower will not exceed any height necessary to meet service coverage or capacity requirements or any height (base to crown) restrictions as set out in the Tenth Schedule or as otherwise determined by the Director from time to time having regard for the land use designation of the proposed site or the type or location of the building for roof-mounted towers and façade mounted antennae;
- Tenth Schedule.
- (h) all easements to the proposed site will adequately allow for parking, loading and site maintenance;
- (i) the noise level of any proposed on-site generator would not exceed any ambient noise pollution levels established by the Minister responsible for environmental health services;
- (j) that the requisite consultation has been conducted;
- (k) for applications for proposed towers to be situated near to or that are likely to impact environmentally sensitive areas as determined by the Minister responsible for the environment, the appropriate agency is satisfied that the proposed tower would not have any harmful effects on the environment;
- (l) where applicable, the relevant agency is satisfied that —
- (i) the height of the proposed tower will not exceed the height restrictions established for structures to be erected within a five nautical mile radius of any airport in The

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- Bahamas, or within such other designated areas as determined by that agency;
- (ii) the required aeronautical studies have been carried out in respect to an application for a proposed tower that will exceed one hundred and ninety-seven feet above mean sea level, provided that the applicant shall bear the cost associated with such studies;
  - (iii) electronic signals from equipment installed on any proposed tower will not have any harmful effect on aircraft or aviation operations; and
  - (iv) that the proposed tower will be appropriately illuminated with the relevant obstacle lighting and marked in accordance with the standards determined by the relevant agency;
- (m) subject to paragraph (4), the external design of the proposed tower complies with the permitted tower design for land use designation of the proposed site, as set out in the Eleventh Schedule or as may be determined by the Director from time to time;
- (n) the proposed tower will be in compliance with any applicable restrictive covenants;
- (o) any other requirements as may be determined by the Director has been met.
- (2) Where the requirements as specified in Parts A and B of the Seventh Schedule for the application in question cannot be met by the applicant, the applicant shall provide written reasons and indicate what measures would be instituted to ensure the safety of the public and preservation (including aesthetic preservation) of surrounding properties, and the Committee may, on the recommendation of the Director and with the written approval of the relevant agencies, waive the requirements specified in Parts A and B of the Seventh Schedule, having regard for the reasons and safety and preservation measures provided.
- (3) Where the requirements as specified in the Eighth and Tenth Schedules cannot be met by the applicant, the applicant must provide written justification as part of the application and the Committee may, on the recommendation of the Director who may consult with the

Eleventh  
Schedule.

Seventh  
Schedule.

Seventh  
Schedule.



Authority and with the approval of the relevant agencies, waive the requirements specified in the Eighth and Tenth Schedules having regard for the justification provided.

(4) Where the applicant considers it necessary to utilise a design other than what is permitted in the Eleventh Schedule, the applicant must provide adequate written justification and the Director and the Committee will consider the reasons provided in determining the application.

(5) Where an intended applicant is desirous of erecting a tower on a site that may be required for —

- (a) Commercial-Tourist;
- (b) Heritage Site;
- (c) Institutional-Public, Semi-Public Community;
- (d) Public Parks and Green Spaces;
- (e) National Park,

the Department must, prior to the making of a decision on the application, engage in a consultative process with interested parties and shall determine as appropriate the extent and manner of consultation required and the applicant will be responsible for any costs associated therewith.

(6) The Committee shall only approve the installation of a roof-mounted tower or façade mounted antennae in commercial, institutional or industrial land use areas and on non-residential buildings having at least three floors or a minimum height of thirty feet.

Decision of  
Committee.

**9.** (1) The Committee may, after taking into consideration any representation made by the Director and any relevant agency, either grant or refuse its approval in respect of the application.

(2) Where the Committee refuses to grant approval, the Director shall provide written reasons to the Buildings Control Officer.

(3) Where an application has been approved by the Committee, the Director shall notify the Buildings Control Officer.

Conditions to  
grant of permit.

**10.** (1) Once the Committee has indicated that there is no objection to the application, the Buildings Control Officer shall, if satisfied that a proposed tower —

- (a) will be constructed in accordance with the Building Code and the relevant industry standards for towers;
- (b) would accommodate, by further modification or otherwise, the minimum number of antenna arrays based on the height of the tower as specified in the Twelfth Schedule,

Twelfth  
Schedule.

grant approval for the issuance of a building permit within two days of the non-objection of the Committee and issue the permit to the applicant forthwith.

(2) Where the Buildings Control Officer refuses to issue a permit, the applicant shall be notified of the decision and the reasons therefor.

(3) For the purposes of this rule, “industry standards” means —

- (a) the TIA/EIA Structural Standards for Steel Antenna Towers and Antenna Supporting Structures; or
- (b) any other relevant standards for towers.

**11.** A permit issued pursuant to rule 10 shall specify

Content of  
permit.

- (a) the location of the proposed site;
- (b) the period in which the building operation shall commence;
- (c) that the applicant must erect the tower in accordance with all of the requirements necessary to obtain the approvals pursuant to rules 8 and 10 unless such requirements have been waived pursuant thereof; and
- (d) such other conditions as the Buildings Control Officer or any other relevant agency considers necessary to be attached thereto.

**12.** Where an application has been refused or a permit has not been granted, the applicant may appeal to the Minister within thirty days of the receipt of notification.

Appeal.

**PART IV - REQUIREMENTS TO BE MET AND  
OBSERVED IN CONNECTION WITH THE  
INSPECTION, MAINTENANCE AND  
OPERATION OF TOWERS**

Environmental  
and safety  
measures.

**13.** (1) At all times, the holder of the building permit must ensure that —

- (a) the tower has the necessary signs visible on the perimeter fencing stating “High voltage”, “No trespassing” and “Hazardous Area” in addition to the name of the holder of the building permit and the appropriate contact information;
- (b) the tower is illuminated, marked and finished in accordance with specifications to be determined by the relevant agency, as appropriate;
- (c) the proposed site is appropriately fenced, with a perimeter fence of at least six feet high and is landscaped and maintained to provide the aesthetic and visual appearance of the site;
- (d) the noise levels of any on-site generator does not exceed the ambient noise pollution levels established by the Minister responsible for environmental health services.

(2) The holder of the building permit of every roof-mounted or façade mounted tower or antennae must ensure that the tower or antennae is appropriately screened from view by materials that are consistent and compatible with the building design, colour and materials so as to minimise any adverse aesthetic impact from any point of view.

(3) No person shall advertise commercially or otherwise on or about a tower.

Maintenance and  
inspection of a  
tower.

**14.** (1) Subsequent to the erection of a tower, the holder of the building permit thereof shall be responsible for the ongoing maintenance and inspection of the tower to ensure that it is structurally sound.

- (2) The holder of the building permit shall ensure—
  - (a) that routine inspections and maintenance checks are conducted annually by a suitably qualified tower rigger;
  - (b) that full inspections on towers are conducted by a registered structural professional engineer—
    - (i) at least every three years;

(ii) after any extraneous event such as a hurricane; and  
 (iii) at the end of the life of a tower,  
 and that a written report is prepared each time by the person conducting the inspection.

- (3) Every report made pursuant to this rule must—
- (a) include documented evidence to certify—
- (i) the structural integrity of the tower and compliance with safety standards; and
- (ii) that the relevant obstacle lighting is operational in accordance with the standards determined by the relevant agency; and
- (b) be submitted to the Buildings Control Officer.
- (4) The holder of the building permit must—
- (a) ensure that a log of all maintenance and inspection activities, are maintained; and
- (b) make the log available to the Buildings Control Officer or the Authority upon request.

(5) For the purposes of this rule, “tower rigger” means a person qualified to construct, install, maintain and decommission electronic communications tower components such as communications cabling, antennae, equipment and any of the tower group and members or sections.

Decommissioning  
of a tower.

**15.** (1) At the end of the life cycle of a tower, the holder of the building permit thereof must notify—

- (a) the Buildings Control Officer;
- (b) the Department; and
- (c) the Authority,

and submit a full inspection report to the Buildings Control Officer.

(2) The Buildings Control Officer, in consultation with the Department and the Authority, shall determine whether the tower should be decommissioned, relocated or replaced, having regard to —

- (a) the structural integrity of the tower;
- (b) the compliance of the tower with established standards and any decisions made by the Committee or the Department in that regard; and

- (c) the extent to which the services being offered from the equipment on the tower would be impacted and any recommendations received from the Authority in that regard.

(3) Where the Buildings Control Officer determines that a tower should be relocated or replaced, a new application must be submitted in accordance with these Rules.

Removal of a tower.

**16.** (1) If, once a tower is erected —

- (a) the tower has not yet reached the end of its life cycle; and  
 (b) the holder of the building permit determines that there is no longer a use for the tower,

the holder of the building permit must notify the Buildings Control Officer and the Authority as soon as possible.

(2) A notification given pursuant to paragraph (1), must include a plan for decommissioning and removal of the tower and any supporting structures above or below ground level.

(3) A plan referred to in paragraph (2) shall specify the intention of the holder of the building permit once the tower is dismantled and removed.

(4) The holder of the building permit shall be responsible for dismantling and removing a tower and any supporting structures above or below ground level and shall be liable for the costs associated therewith.

(5) Where a tower is removed, the land must be restored to its previous condition by the holder of the building permit and the use of the site shall revert to its prior permitted use.

Abandonment of a tower.

**17.** (1) The Buildings Control Officer shall deem a tower to be abandoned once it has not been in use for a period of six months.

(2) The determination by the Buildings Control Officer pursuant to paragraph (1) may be made based upon —

- (a) observation;  
 (b) notification by the Authority; or  
 (c) a complaint from a member of the public.

(3) Where the Buildings Control Officer makes a determination in accordance with paragraph (2), the

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Buildings Control Officer shall notify the holder of the permit and the Authority of such determination.

(4) Once a tower has been deemed abandoned, the holder of the permit shall within three months —

- (a) reactivate use of the tower;
- (b) dismantle and remove the tower; or
- (c) convey the control or operation rights of the tower thereof, provided that the Authority and the Buildings Control Officer is notified prior to the transfer and the provisions of this Part shall apply *mutatis mutandis* thereto.

(5) If a tower remains erected and without use within six months of the tower being deemed abandoned by the Buildings Control Officer, the Buildings Control Officer shall cause the tower to be dismantled and removed.

(6) Where the holder of the building permit fails to dismantle or remove a tower pursuant to paragraph (4)(b), the Buildings Control Officer shall enforce the bond entered into at the time of application to cover the costs associated with removing a tower and any supporting structures above or below ground level.

(7) Notwithstanding paragraph (1), the Buildings Control Officer shall cause a tower and any supporting structures above or below ground level to be dismantled or removed where a tower is at any time deemed to be dangerous or dilapidated in accordance with section 10 of the Act.

## PART V - MISCELLANEOUS

**18.** (1) Except as provided for in paragraph (3), a transportable tower may be placed for a period not exceeding one hundred and twenty consecutive days, provided that the applicant must —

Use of transportable towers.

- (a) demonstrate that a licence has issued by the Authority for the use of equipment on the transportable tower; and
- (b) submit an application along with all of the requisite supporting documents, other than the document referred to in rule 6(1)(b)(ii) accompanied with the applicable non-refundable application fee as set out in the Third Schedule .

(2) In respect of paragraph (1), the Department and the Buildings Control Officer shall determine, in consultation with the relevant agencies, the extent to which the transportable tower shall comply with the requirements of these Rules, having regard for the circumstances for which the transportable tower is to be used and shall issue the requisite approvals.

(3) The approval process set out in these Rules shall not apply where a national emergency is declared by the National Emergency Management Agency and where any transportable tower is placed as a result of that emergency —

- (a) the holder of the building permit thereof must prior to its placement notify the Authority, the Civil Aviation Department, the Department, the Buildings Control Officer and the National Emergency Management Agency and such notification shall include —
  - (i) the proposed location of the transportable tower;
  - (ii) the proposed use of the facility;
  - (iii) the height of the proposed tower;
  - (iv) the frequencies that would be utilised by the equipment on the tower;
  - (v) any other information that may be required from the relevant agencies, and
- (b) the maximum time for the placement of a transportable tower set forth at paragraph (1) may be extended as appropriate by the relevant agency.

Existing towers.

**19.** Any tower erected prior to the date of the commencement of these Rules, (hereinafter referred to as an “existing tower”) shall not be subject to the requirements set out in these Rules, provided that, the Buildings Control Officer may require the holder of a building permit for an existing tower to remove such tower or make such modifications as the Buildings Control Officer or the Committee deems necessary and reasonably practicable.

Modification of an existing tower.

**20.** (1) Where modification to an existing tower is necessary and feasible to facilitate co-location on that tower, the existing holder of the building permit must —

- (a) demonstrate that written approval has been obtained by a licensee pursuant to Part IV of the Communications Act demonstrating that the Authority has no objection to the proposed modification; and
- (b) submit an application in accordance with rule 6.

(2) An application to modify an existing tower which has not yet reached its respective “end of life” date, shall be exempt from the established setback, site area and minimum distance requirements.

**21.** Any person who contravenes any provision of these Rules is liable upon summary conviction to the maximum penalty specified in the Act. Penalty.

**FIRST SCHEDULE (Rule 5(1) & (2))**

**RESIDENTIAL LAND USE AREA**

(R1)	Low Density
(R2)	Low/Medium Density
(R3)	Medium Density
(R4)	Medium/High Density
(R5)	High Density Residential

**SECOND SCHEDULE**

**PART A (Rule 6(1))**

**BUILDING PERMIT APPLICATION FORM**

DATE OF APPLICATION	APPLICATION FORM	AREA
RECEIPT NO.	<b>THE BUILDING REGULATIONS ACT</b> <b>BUILDINGS REGULATION (ELECTRONIC COMMUNICATIONS TOWER) RULES 2015</b> <b>GOVERNMENT OF THE BAHAMAS ISLANDS</b>	NO. OF DRAWINGS
DATE OF RECEIPT		ISLAND
I / WE HEREBY APPLY FOR PERMISSION TO CARRY OUT THE DEVELOPMENT DESCRIBED IN THIS APPLICATION AND ON THE ATTACHED PLANS AND DRAWING AGENT		COMPANY NAME
IF NOT A REGISTERED AGENT, PLEASE SPECIFY:		APPLICANT LAST NAME
		FIRST NAME
TELEPHONE		TELEPHONE
EMAIL		EMAIL
PROFESSION		ADDRESS:
ADDRESS:		



BUILDING CONTRACTOR:	NOTE: Information must be sufficient to enable owner to be located
(2) PARTICULARS OF APPLICANTS INTEREST IN THE LAND IF OTHER, PLEASE SPECIFY:	(3) ADDRESS AND LOCATION OF THE LAND TO BE DEVELOPED IN SUFFICIENT DETAIL TO ENABLE SITE TO BE READILY IDENTIFIED
	STREET NAME:
	LOT NUMBER:
IF PROSPECTIVE PURCHASER OR LESSEE WHETHER OWNER OR LESSEE HAS CONSENTED TO PROPOSED DEVELOPMENT	ADDITIONAL ADDRESS DETAILS:
<input type="checkbox"/> YES <input type="checkbox"/> NO	SUBDIVISION:
(4) DESCRIBE BRIEFLY THE PROPOSED DEVELOPMENT INCLUDING THE PURPOSE FOR WHICH THE LAND AND/OR BUILDING ARE TO BE USED. IF THEY ARE TO BE USED FOR MORE THAN ONE PURPOSE, GIVE DETAILS	(5) STATE THE PURPOSE FOR WHICH THE LAND AND/OR BUILDING(S) ARE NOW USED AND IF FOR MORE THAN ONE PURPOSE, GIVE DETAILS
<input type="checkbox"/> B.C.	
<input type="checkbox"/> W.C.	
CONSTRUCTION TYPE	
(6) GENERAL INFORMATION MATERIALS FOR EXTERIOR FINISH OF THE BUILDINGS	ESTIMATED CONSTRUCTION COST:
(A) WALLS	(C) TOTAL AREA IN SQUARE FEET (D) ESTIMATED COST
(B) ROOF	B.\$
(7) ARCHITECT/DRAUGHTSMAN	(8) SURVEYOR
NAME	NAME
ADDRESS	ADDRESS
TELEPHONE	TELEPHONE

**PART B (Rule 6(2))**

**BUILDINGS REGULATION ACT**

**CHAPTER 200  
BUILDINGS REGULATION (ELECTRONIC  
COMMUNICATIONS TOWER) RULES**

**SECURITY FOR COSTS**

**KNOW ALL MEN BY THESE PRESENTS**

THAT .....(*applicant name*) (“the applicant”) is held firmly and bound to the Treasurer of The Bahamas (“the Treasurer”) and his successors in office in the sum of.....Dollars (\$ .....) good and lawful money of The Bahamas to be paid to the Treasurer and his successors in office for which payment to be well and truly made we bind the applicant and its assigns jointly and severally by these presents.

Signed with our seal and dated the.....day of .....,  
A.D. 20.....

CONDITIONS

That pursuant to rule 6(2), the applicant is responsible for dismantling and removing the tower and any supporting structures above or below ground and to restoring the site to its previous condition and should the applicant fail so to do, the amount of security stated above shall be sufficient to provide for any costs associated therewith.

That should the applicant abandon the tower, the Treasurer shall have the right to enforce the bond for any costs incurred for removing and disposing the tower and restoring the site to its previous condition.

In the event the bond is enforced the sum stated herein shall be due and payable to the Treasurer and the applicant agrees to pay the sum immediately upon demand of the Treasurer, for failure of the applicant to dismantle and remove the tower and any supporting structures above or below ground and restore the site to its previous conditions.

**Signed Sealed and Delivered by the  
within-named and the presence of:-**

.....  
Authorized Representative

.....  
Title

.....  
Authorized Representative

.....  
Title

(company seal)

.....  
Witness

**THIRD SCHEDULE (Rule 6(1)(a) & 18(l)(b))**

**FEES**

Application for a tower	\$ 1,600.00
Application for tower modification	\$ 400.00
Application for transportable tower	\$ 2,500.00

**FOURTH SCHEDULE (Rule 6(l)(b)(i))**

**TOWN PLANNING COMMITTEE APPROVAL FORM**

1. Name of Applicant/Company: .....
- P. O. Box: .....
- Settlement: .....
- Island: .....
2. Property Owner (if different from above)
- Name of Applicant: .....
- P. O. Box: .....
- Settlement: .....
- Island: .....
3. Details of Proposed Project: *(please tick as appropriate)*
  - A. Type of Tower:
    - Monopole [ ] Lattice [ ] Guyed [ ] Broadcast [ ]
    - Concealed and Stealth [ ] Other [ ]
  - B. Freestanding [ ] Building/Structure mounted antenna [ ]
  - C. Disguising of tower? Please provide drawings and photographs.
  - Proposed enclosure: *(fencing, wall, etc.)* .....

- Proposed landscaping: .....
- Proposed electrical supply: .....
- Proposed signage: .....
- Proposed lighting type: .....

**4. Type of Land Ownership:**

Crown land  Government owned  Private  Other

Subdivision Name:.....

**N.B.** Attach a copy of conveyance, lease or letter authorising use of property.

**5. Site Details:**

Location: (Plan required at minimum scale of 1:2500 to show the proposed structure(s), relevant boundaries of site and adjacent properties and location of existing cell towers within one mile of the proposed tower installation/modification.

- (a) Size/Dimensions:.....
- (b) Access: *(Please tick as appropriate)*  
 Existing Public Road  Existing Private Road   
 Easement
- (c) Existing Buildings and Structures:.....
- (d) Legal Description:.....

**N.B.** Please include survey plan and legal conveyance.

**6. Site Characteristics:**

Site Plan: Plan required at minimum scale of 1 inch = 20 feet to show the following:

- (a) Contours at intervals of 1'0"  
 Existing buildings or other structures:  
 Proposed structures:  
 Setbacks between all structures and relevant boundaries, roads, easements etc.:
- (b) Existing vegetation: e.g. coppice, pine, etc.  
 Any protected trees within project area?  
 Yes  No   
*(If yes, please attach letter of approval from Director of Forestry to harvest protected trees under Forestry Act, (Ch. 242A))*

## (c) Historic Resources:

Buildings

Structures

Monuments

## (d) Site Preparation:

Land clearing:

Excavation:

Land filling: Existing level msl:

Proposed level msl:

**7. Supporting Documents Required:**

- (a) Written proof from the Authority stating that it has no objections to the construction and modification of the proposed tower.
- (b) Details of the feedback received from any town meeting or consultation process.
- (c) Details of the specifications of the on-site generator to be installed.
- (d) Approval letter from property owner/relevant government agency/ association to utilize project site.
- (e) Where applicable, Form 1 of the Civil Aviation Regulations for approval by the Civil Aviation Department.
- (f) The architectural drawings of the tower, authenticated by a local registered architect.
- (g) The structural drawings of the tower, authenticated by a local registered structural engineer.
- (h) The mechanical and electrical drawings of the tower authenticated by a local registered mechanical or electrical engineer.
- (i) A geotechnical study.
- (j) Where applicable, request for environmental clearance from the Ministry responsible for the environment.
- (k) Where applicable, approval from the Director of Forestry to harvest protected trees under the provisions of the Forestry Act.

Ch. 242A.



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**Protected Trees under the Forestry Act (Ch. 242A):**


Beefwood/Pigeon  
berry/Narrow leaved Blolly  
Black Ebony/Bullwood  
Brasiletto  
Candlewood  
Caribbean Pine  
Horseflesh  
Lignum vitae  
Mahogany (Madiera)  
Rauwolfia  
Red Cedar  
Silk Cotton

Guapira discolor

Pera Bumeliifolia  
Casesallpinia vesicaria  
Gochnatia ilifolia  
Pinus caribaea var. bahamaensis  
Lysiloma sabiau var. bahamaensis  
Guaiaacum sanctum  
Swietenia mahagoni  
Rauvolfia nitida  
Juniperus bermudiana  
Ceiba pentandra

**FIFTH SCHEDULE (Rule 6(l)(b)(vii))**  
**CIVIL AVIATION DEPARTMENT APPROVAL FORM**

Please Type or Print on This Form

	<p align="center">Failure to Provide All Requested information May Delay Processing of Your Notice</p> <p align="center"><b>Notice of Proposed Construction or Alteration</b></p> <p align="center">The Commonwealth of the Bahamas Civil Aviation Department</p>	<p align="center">Aeronautical study Number</p>	
	<table border="1"> <tr> <td data-bbox="289 528 746 912"> <p>1. Sponsor (person,company, etc. proposing this action): Attn Of: _____ Name: _____ Address: _____ _____ City: _____ Postal Code: _____ Telephone: _____ Fax: _____</p> </td> <td data-bbox="746 528 1179 912"> <p>9. Latitude: _____ 10 Longitude: _____ 11 Datum: <input type="checkbox"/> WGS 84 (Submit in WGS-84 Datum ONLY) 12 Nearest: City: _____ 13. Nearest Public-use (not private-use) Airport of Heliport: _____ _____</p> </td> </tr> </table>		<p>1. Sponsor (person,company, etc. proposing this action): Attn Of: _____ Name: _____ Address: _____ _____ City: _____ Postal Code: _____ Telephone: _____ Fax: _____</p>
<p>1. Sponsor (person,company, etc. proposing this action): Attn Of: _____ Name: _____ Address: _____ _____ City: _____ Postal Code: _____ Telephone: _____ Fax: _____</p>	<p>9. Latitude: _____ 10 Longitude: _____ 11 Datum: <input type="checkbox"/> WGS 84 (Submit in WGS-84 Datum ONLY) 12 Nearest: City: _____ 13. Nearest Public-use (not private-use) Airport of Heliport: _____ _____</p>		
<p>2. Sponsor's Representative (if other than #1) Attn of: _____ Name: _____ Address: _____ City: _____ Postal Code: _____ Telephone: _____ Fax: _____</p> <p>3. Notice of: <input type="checkbox"/> New Construction <input type="checkbox"/> Alteration <input type="checkbox"/> Existing</p> <p>4. Duration: <input type="checkbox"/> Permanent <input type="checkbox"/> Temporary (months, days)</p> <p>5. Work Schedule: Beginning <u>After CAD Approval</u> End: <u>Within 18 Months</u></p> <p>6. Type: <input type="checkbox"/> Antenna Tower <input type="checkbox"/> Crane <input type="checkbox"/> Building <input type="checkbox"/> Power Line <input type="checkbox"/> Landfill <input type="checkbox"/> Water Tank <input type="checkbox"/> Other _____</p> <p>7. Marketing/Painting and/or Lighting</p>		<p>14. Distance from #13 to Structure: _____</p> <p>15. Direction from #13 to Structure: _____</p> <p>16. Site Elevation (AMSL.ft. _____</p> <p>17. Total Structure Height (AGL): _____ ft.</p> <p>18. Overall Height (#16 + #17) (AMSL): _____ ft</p> <p>19. Previous CAD Aeronautical Study Number (if applicable) _____ OE</p> <p>20. Description of Location: (Attach a map with the precise site marked and any certified survey.)</p>	



Preferred: <input type="checkbox"/> Red/Orange and White Paint <input type="checkbox"/> High Intensity White <input type="checkbox"/> Low Intensity Red <input type="checkbox"/> Medium Intensity Red <input type="checkbox"/> Medium Intensity White <input type="checkbox"/> Other _____ 8. Antenna Structure Registration Number (if applicable): _____		
21. Complete Description of Proposal:	Frequency/Power (kW)	
I hereby certify that all of the above statements made by me are true, complete, and correct to the best of my knowledge. In addition, I agree to mark and/or light the structure in accordance with established marking & lighting standards necessary.		
Date	Typed or Printed Name and Title of Person Filing Notice	Signature

**SIXTH SCHEDULE (Rule 6(1)(b)(xii))**

**REQUEST FOR ENVIRONMENTAL CLEARANCE FOR  
TOWERS AND ANTENNAE STRUCTURES**

Project Title: .....

Project Proponent Name and Address: .....

Contact Person and Phone Number: .....

Project Location:.....

Description of Project:.....

Surrounding Land Uses and Setting: .....

Agencies/Groups whose approval is required (i.e. permits, financing approval, or participation agreement):

Provide summary of environmental factors potentially affected by the proposed development including:

(i) Land Use	(vii) Energy
(ii) Geology	(viii) Socioeconomics
(iii) Water Quality	(ix) Community Services
(iv) Biological Resources	(x) Aesthetics
(v) Air Quality	(xi) Recreation
(vi) Cultural Resources	(xii) Transportation

Determination: .....

Signature/Title/Date : .....

**SEVENTH SCHEDULE****PART A (Rule 8(l)(a)-(b))****MINIMUM SETBACK REQUIREMENTS**

<b>FACILITY</b>	<b>Minimum Setback Requirement (Feet)</b>
Major roads and highways	120 % of the height of the tower
High tension electricity cables/wires	120 % of the height of the tower
Sensitive sites (including schools, hospitals, playgrounds, residential properties)	120 % of the height of the tower

**PART B (Rule 8(1)(a) and 8(2))****MINIMUM SITE AREA AROUND  
SELF-SUPPORTING TOWERS**

<b>Tower height</b>	<b>Minimum site area (square feet)</b>
<100 feet	1000
>100 feet but < 213 feet	1600
>213 feet	2500

**EIGHTH SCHEDULE (Rule 8(l)(e) and 8(3))****MINIMUM DISTANCE BETWEEN  
SELF-SUPPORTING TOWERS**

	<b>Existing towers &lt; 60 feet</b>	<b>Existing towers &gt; 60 feet</b>
<b>Proposed towers &gt; 60 feet</b>	2640 feet	5280 feet
<b>Proposed towers &lt; 60 feet</b>	2640 feet	2640 feet

**NINTH SCHEDULE (Rule 8(1)(f))****MAXIMUM PERCENTAGE SURFACE AREAS  
APPLICABLE TO ROOF MOUNTED TOWERS AND  
FAÇADE MOUNTED ANTENNAE**

<b>Application</b>	<b>Maximum Percentage Surface Area of roof/façade</b>
A single roof-mounted tower	10%
A group of roof-mounted towers on the same roof	25%
A group of building façade mounted antennae	10%

**TENTH SCHEDULE (Rule 8(1)(g) and (1) and 8(3))****HEIGHT RESTRICTIONS FOR  
SELF SUPPORT TOWERS**

<b>Land Use Area</b>	<b>Maximum Height (Base to Crown, feet)</b>
Low Density (R1)	100
Low/ Medium Density (R2)	
Medium Density (R3)	
Medium/High Density (R4)	
High Density Residential (R5)	
Commercial - General (C1)	
Commercial - Tourist (C2)	
Agriculture (AG)	213
Airport land use area (AZ)	As specified by the relevant agency
Institutional - Public, Semi-Public, Community (INSTIT)	148
Commercial/Industrial (M1)	148
Industrial - Light (M2)	213
Industrial - Heavy (M3)	
Forest (F)	
National Park (NATL PARK)	

**HEIGHT RESTRICTIONS FOR STEALTH  
TOWERS. ROOF-MOUNTED TOWERS AND  
FAÇADE MOUNTED ANTENNAE**

<b>Application</b>	<b>Maximum Height Allowed</b>
Stealth towers	Will be determined by the Director or Committee and any relevant agency as appropriate based on the stealth design proposed, the land use area designation of the proposed site, and the extent to which the tower could be successfully camouflaged.
Roof-mounted towers	16 feet or 10% of the height of the building, whichever is greater, above the roof's surface
Façade mounted antennae	Six feet above the cornice line of the building.

**ELEVENTH SCHEDULE (Rule 8(1)(m) & 8(4))**

**PERMITTED TOWER DESIGNS BY  
LAND USE DESIGNATION**

<b>Land Use Designation</b>	<b>Permitted Tower Design</b>
Low Density (R1)	Stealth or Monopole
Low/ Medium Density (R2)	Stealth or Monopole
Medium Density (R3)	Stealth or Monopole
Medium/High Density (R4)	Stealth or Monopole
High Density Residential (R5)	Stealth or Monopole
Commercial – General (C1)	Stealth or Monopole or Roof-mounted
Commercial – Tourist (C2)	Stealth or Roof-mounted
City of Nassau Revitalization District (C3)	Stealth or Roof-mounted
Agriculture (AG)	All kinds (including Stealth or Monopole or Roof-mounted or Lattice)
Airport land use area (AZ)	All kinds (including Stealth or Monopole or Roof-mounted or Lattice)
Institutional – Public, Semi-Public, Community (INSTIT)	Stealth or Monopole or Roof-mounted
Heritage Site (HS)	Stealth
Commercial/Industrial (MI)	Stealth or Monopole or Roof-mounted

<b>Land Use Designation</b>	<b>Permitted Tower Design</b>
Industrial - Light (M2)	Lattice or Monopole or Roof-mounted
Industrial - Heavy (M3)	Lattice or Monopole or Roof-mounted
Forest (F)	Lattice or Monopole or Stealth
Restricted Development/ Mangroves (MG)	None
Public Parks/Green Spaces (PPGS)	None
National Park (NATL PARK)	Monopole or Stealth or Roof-mounted

**TWELFTH SCHEDULE (Rule 10(l)(b))**

**MINIMUM NUMBER OF ANTENNA ARRAYS  
TO BE SUPPORTED**

<b>Height of Tower (feet)</b>	<b>Minimum Number of Antenna Arrays to be supported</b>
60 to 100 feet	2
100 to 150	3
> 150	4