

EXTRAORDINARY  
GOVERNMENT



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G A Z E T T E

## **KHYBER PAKHTUNKHWA**

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### **GOVERNMENT OF KHYBER PAKHTUNKHWA RELIEF REHABILITATION & SETTLEMENT DEPARTMENT**

#### **NOTIFICATION**

Dated Peshawar the 3<sup>rd</sup> July, 2019

#### **ORDER**

**No. SO(Estt:RR&SD/4-6/2015/CD/Vol-II:** In exercise of the powers conferred by rules 8, 9 and 10 of the Civil Defence (Special Powers) Rules, 1951 read with S.R.O. 1074 (I)/2016, dated: November 22<sup>nd</sup> 2016, the Government of the Khyber Pakhtunkhwa is pleased to make the Khyber Pakhtunkhwa Civil Defense Fire Safety Order, 2019 (hereinafter referred to as the FSO-19 KP).

#### **Application:**

The FSO-19 KP shall exclusively be applicable to the mandate of the Directorate of Civil Defence as Authority Having Jurisdiction (hereinafter referred to as AHJ) in the Province of Khyber Pakhtunkhwa.

#### **References:**

- (1) All referenced publications shall be the same as provided for in Chapter 2 of the S.R.O. 1074(1)/2016 (hereinafter referred to as the "S.R.O"). All terms and definitions in the FSO-19 KP shall have the same meaning as provided in Chapter 3 of the S.R.O.
- (2) For all matters not expressly provided in the FSO-19 KP, the S.R.O, shall apply mutatis mutandis to the extent of functions and jurisdiction of Khyber Pakhtunkhwa Directorate of Civil Defence, its structure in Districts as well as, wherever applicable, the Emergency Rescue Service 1122.

#### **1. Scope:**

AHJ shall, in addition to other functions assigned, carry out:

- 1.1. Inspection of permanent and temporary buildings, equipment, systems, and other fire and related life safety situations.
- 1.2. Investigation of fires and fire related incidents.
- 1.3. Fire and life safety education of fire brigades, employees, responsible parties, and the general public.
- 1.4. Assessment of requirements for fire operations.
- 1.5. Control of emergency operations and scenes with, or in, support of Emergency Rescue Services under Rescue-1122 wherever available.

- 1.6. Laying down conditions affecting fire fighter safety.
- 1.7. AHJ shall establish minimum qualifications for all persons assigned the responsibility of enforcing the FSO-19 KP.
- 1.8. AHJ shall stand authorized to render interpretations of the FSO-19 KP taking help of experts.
- 1.9. Police and other enforcement agencies shall render necessary assistance in the enforcement of the FSO-19 KP when requested to do so by AHJ.
- 1.10. The AHJ shall be permitted to delegate to other qualified individuals such powers as necessary for the administration and enforcement of the FSO-19 KP.
- 1.11. The AHJ shall be authorized to rely on plan reviews, inspections, opinions, and approvals rendered by other enforcement officials in determining compliance with the FSO-19 KP.

2. **Inspection:**

- 2.1 The AHJ shall be authorized to inspect, at all reasonable times, any building or premises for dangerous or hazardous conditions or materials as set forth in the FSO-19 KP.
- 2.2 The AHJ shall have authority to direct any person(s) to remove or remedy such dangerous or hazardous condition or material. Any person(s) failing to comply with such FSO-19 KP shall be in violation of the FSO-19 KP.
- 2.3 To the full extent permitted by law, any AHJ engaged in fire prevention and inspection work shall be authorized at all reasonable times to enter and examine any building, structure or premises for the purpose of making fire safety inspections.
- 2.4 Before entering, AHJ shall obtain the consent of the occupant thereof or obtain a court warrant or a written permission from the head of AHJ authorizing entry for the purpose of inspection except in those instances where an emergency exists. Emergency shall mean circumstances that AHJ knows, or has reason to believe, exist and that can constitute imminent danger.
- 2.5 Persons authorized to enter and inspect buildings, structures, vehicles, and premises as herein set forth shall be identified by credentials issued by the AHJ.
- 2.6 Where conditions exist and are deemed hazardous to life or property by AHJ, it shall have the authority to summarily abate such hazardous conditions that are in violation of the FSO-19 KP or the S.R.O.

3. **Interference with Enforcement:**

Persons shall not interfere or cause conditions that would interfere with an AHJ carrying out any duties or functions prescribed by the FSO-19 KP.

4. **Impersonation:**

Persons shall not use a badge, uniform, or other credentials to impersonate AHJ.

5. **Investigation:**

The AHJ shall have the authority to investigate the cause, origin, and circumstances of any fire, take custody of all physical evidence relating to the cause of the fire and limit access to emergencies or other similar situations.

6. **Plans and Specifications:**

AHJ shall have the authority to require plans and specifications to ensure compliance with applicable codes and standards.

7. **Imminent Dangers and Evacuation:**

- 7.1 When, in the opinion of AHJ, an imminent danger exists, AHJ shall have the authority to direct the occupants to vacate, or temporarily close for use or occupancy, a building, the right-of-way, sidewalks, streets, or adjacent buildings or nearby areas.
- 7.2 AHJ shall be authorized to employ the necessary resources to perform the required work in FSO-19 KP to mitigate the imminent danger.
- 7.3 In case the S.R.O. are not followed by the property owner then the costs incurred by AHJ in the performance of emergency work shall be the responsibility of the property owner.

8. **Standby and Fire Watch Personnel:**

- 8.1 AHJ shall have the authority to require standby fire personnel or an approved fire watch when potentially hazardous conditions or a reduction in a life safety feature exist due to the type of performance, display, exhibit, occupancy, contest, or activity; an impairment to a fire protection feature; or the number of persons present.
- 8.2 The owner, agent or lessee shall employ one or more qualified persons, as required and approved, to be on duty.
- 8.3 The cost of standby fire personnel shall be at no cost to AHJ.
- 8.4 Such standby fire personnel or fire watch personnel shall be subject to AHJ's directions at all times and shall be identifiable and remain on duty during the times such places are open to the public, when such activity is being conducted, or as required by AHJ.

9. **Public Fire Education:**

- 9.1 AHJ shall develop and implement a public fire safety education program as deemed necessary with respect to the potential fire hazards within its jurisdiction.
- 9.2 AHJ shall ensure that duly authorized public fire safety education programs or public fire safety messages are disseminated to the general public.

10. **Duties and Powers of the Incident Commander:**

- 10.1 **Incident Commander.** The individual responsible for all incident activities, including the development of strategies and tactics and the ordering and the release of resources. Incident Commander in charge of the emergency (hereinafter refer to as the Incident Commander) shall be a representative of the AHJ or Emergency Response Service Rescue 1122.
- 10.2 **Authority.** The Incident Commander or authorized representative conducting operations in connection with the extinguishment and control of any fire shall have authority to direct all operations of fire extinguishment, and to take necessary precautions to save life, protect property, and prevent further injury or damage.
- 10.3 **Controlling Scene.** During any emergency, including the investigation of the cause of such emergency, the Incident Commander or authorized representative shall be permitted to control or prohibit the approach to the scene of such emergency by any vehicle, vessel, or person.
- 10.4 **Obstruction of Operations.** Persons shall not obstruct the operations of the AHJ or disobey any command of the Incident Commander or authorized representative or any part thereof, or any direction of a police officer assisting the AHJ.

10.5 **Scene Barrier.** The Incident Commander or authorized representative in charge of an emergency scene shall have the authority to establish barriers to control access in the vicinity of such emergency and to place, or cause to be placed, ropes, guards, barricades, or other obstructions across any street or alley to delineate such emergency scene barrier.

10.6 Persons, except as authorized by the Incident Commander, shall not be permitted to cross scene barriers.

11. **Liability:**

11.1 ~~AHJ and other individuals charged by AHJ, or the Incident Commander of emergency operations, charged with the enforcement of the FSO-19 KP or any other official duties acting in good faith and without malice in the discharge of their duties, shall not thereby be rendered personally liable for any damage that could accrue to persons or property as a result of any act or by reason of any act or omission in the discharge of their duties.~~

11.2 The AHJ, acting in good faith and without malice in the discharge of the organizations' public duty, shall not thereby be rendered liable for any damage that could accrue to persons or property as a result of any act or by reason of any act or omission in the discharge of such duties.

11.3 Any suit brought against AHJ, the Incident Commander, or such individuals because of such act or omission performed in the enforcement of any provision of such codes or other pertinent laws or ordinances implemented through the enforcement of the FSO-19 KP or enforced by the code enforcement agency shall be defended by this jurisdiction until final termination of such proceedings, and any judgment resulting there from shall be assumed by this jurisdiction.

12. **Records and Reports:**

AHJ shall keep a record of all fire prevention inspections, including the date of such inspections and a summary of any violations found to exist, the date of the services of notices, and a record of the final disposition of all violations.

13. **Emergency Response Records:**

The AHJ shall keep a record of fire and other emergency responses occurring within its jurisdiction and of facts concerning the same, including statistics as to the extent and damage caused by such fires or emergencies.

14. **Approvals by Other AHJs:**

14.1 AHJ shall have the authority to require evidence to show that other regulatory agencies having jurisdiction over the design, construction, alteration, repair, equipment, maintenance, process, and relocation of structures have issued appropriate approvals.

14.2 AHJ shall not be held responsible for enforcement of the S.R.O. of such other regulatory agencies unless specifically mandated to enforce those agencies' S.R.O.

15. **Misrepresentation:**

15.1 Any attempt to misrepresent or otherwise deliberately or knowingly design; install; service; maintain; operate; sell; represent for sale; falsify records, reports, or applications; or other related activity in violation of the requirements prescribed by the FSO-19 KP shall be a violation of the FSO-19 KP.

15.2 Such violations shall be subject to any other criminal or civil penalties as available by the laws for the time being enforced.

16. **Fire Zones Demarcation:**

The city or area under the jurisdiction of AHJ shall for the purpose of the FSO-19 KP, be demarcated into distinct zones, based on fire hazard inherent in the buildings and structures according to occupancy, which shall be called as 'Fire Zones'.

17. **Number and Designation of Fire Zones:**

17.1 The number of fire zones in a city or area under the jurisdiction of AHJ depends upon the existing layout, types of building construction, classification of existing buildings based on occupancy and expected future development of the city or area. In large cities or areas, three fire zones may be necessary, while in smaller ones, one or two may be adequate.

17.2 The fire zones shall make use of in-land use development plan and shall be designated as follows.

(a) **Fire Zone No. 1.** This shall comprise areas having assembly, educational, health care, day care, residential, detention and correctional, and mercantile buildings, or areas which are under development for such occupancies.

(b) **Fire Zone No. 2.** This shall comprise business and industrial buildings, except high hazard industrial buildings or areas which are under development for such occupancies.

(c) **Fire Zone No. 3.** This shall comprise areas having high hazard industrial buildings, storage buildings and buildings for hazardous use or areas which are under development for such occupancies.

18. **Change in Fire Zone Boundaries:**

Any inclusion or exclusion in the boundaries of any fire zone shall be done by a Committee headed by the Chief Secretary of the Province

19. **Overlapping Fire Zones:**

19.1 When any building is so situated that it extends equally to more than one fire zone, it shall be deemed to be in the fire zone in which the major portion of the building or structure is situated.

19.2 When any building is so situated that it extends equally to more than one fire zone, it shall be deemed to be in the fire zone having more hazardous occupancy buildings.

20. **Temporary Buildings or Structures:**

20.1 Temporary buildings and structures shall be permitted only in Fire Zones No. 1 and 2 as the case may be, according to the purpose for which these are to be used, by special permit from AHJ for a limited period and subject to such conditions as may be imposed in the permit.

20.2 Such buildings and temporary structures shall be completely removed on the expiry of the period specified in the permit.

21. **Building Evacuation:**

21.1 Persons shall not fail to leave a building when notified to do so or when directed by AHJ as a result of a known or perceived fire emergency.

21.2 Persons shall not fail to leave any overcrowded premises when ordered to do so by AHJ.

21.3 Persons shall not fail to leave a building when a fire alarm system is activated, unless otherwise provided for in an approved building fire evacuation plan or during routine testing or maintenance.

21.4 For such purposes, all mega building, schools, cinemas, playgrounds, shopping malls etc. must have an approved evacuation plan from AHJ.

22. **Fire Drills:**

22.1 **Where Required.** Emergency egress and relocation drills conforming to the FSO-19 KP shall be conducted as specified by Chapter 10 of the S.R.O. Drills shall be designed in cooperation with the local authorities.

22.2 **Drill Frequency.** Emergency egress and relocation drills, shall be conducted at the frequency specified for different occupancies in Chapter 10 of the S.R.O.

22.3 **Simulated Conditions.** Drills shall be held at expected and unexpected times and under varying conditions to simulate the unusual conditions that can occur in an actual fire emergency.

22.4 **Relocation Area.** Drill participants shall relocate to a predetermined location and remain at such location until a recall or dismissal signal is given.

22.5 A written record of each drill shall be completed by the person responsible for conducting the drill and maintained in an approved manner and as specified.

23. **Reporting of Fires:**

23.1 The person discovering any unwanted fire, regardless of magnitude, shall immediately notify the AHJ and Rescue 1122, as well as owner, manager and occupant.

23.2 Facilities that have established on-premises firefighting organizations and have coordinated and arranged procedures approved by AHJ shall not need to notify.

23.3 The owner, manager, occupant, or any person in control of such building or premises, upon discovery of an unwanted fire or evidence of a previous unwanted fire that had apparently been extinguished, shall immediately notify the AHJ.

24. **Tampering with Fire Safety Equipment:**

Persons shall not render any portable or fixed fire extinguishing system or device or any fire-warning system or device inoperative or inaccessible. Any persons found involved in such offence will be liable to be proceeded against under relevant laws for commission of such offence.

25. **Emergency Action Plans:**

**Where Required.** Emergency action plans shall be provided for high-rise, assembly, special amusement buildings, health care, day-care centers, residential board and care, hotels and dormitories, detention and correctional, industrial, storage, mercantile, educational occupancies, underground and window-less structures or where required by AHJ.

26. **Emergency plans shall include the following:**

- (i) Procedures for reporting of emergencies
- (ii) Occupant and staff response to emergencies
- (iii) Evacuation, relocation and shelter-in-place procedures appropriate to the building, its occupancy, emergencies, and hazards
- (iv) Appropriateness of the use of elevators
- (v) Design and conduct of fire drills
- (vi) Type and coverage of building fire protection systems
- (vii) Formation of emergency response teams
- (viii) Other items required by AHJ

27. Emergency action plans shall be submitted to AHJ for review when required by AHJ, and shall be reviewed and updated as required by AHJ.

28. **Fire Attendant:**

Open, recreational and cooking fires shall be constantly attended by a competent person until such fire is extinguished. This person shall have a garden hose connected to the water supply or other fire extinguishing equipment readily available for use.

29. **Fire Protection Markings:**

29.1 Shaft ways and stairway shall be marked for safety of fire fighters.

29.2 Every outside opening accessible to the AHJ or Rescue 1122 as the case may be that opens directly on any hoist way or shaft way communicating between two or more floors in a building shall be plainly marked with a sign.

29.3 Shaft way signs shall be in red letters at least 6 inches (152 mm) high on a white background stating "SHAFTWAY." Such warning signs shall be placed so as to be readily discernible from the outside of the building.

29.4 New enclosed stairs serving three or more stories and existing enclosed stairs serving five or more stories shall have clear marking stating floor level, exit direction, terminus of top and bottom, and be visible and easily readable.

30. **Life Safety Narrative:**

The owner shall provide life safety narrative to AHJ, if and when requested, describing the following:

- (a) Building occupancy, construction type, and intended uses and events
- (b) Building area and population capacity of the proposed facility
- (c) Principal fire and life safety features/strategies for the building, including the following:
  - (i) Sprinkler protection
  - (ii) Smoke control/protection
  - (iii) Fire alarm-visual and audible
  - (iv) PA system
  - (v) Emergency power and lighting
  - (vi) Provisions for patrons with disabilities
  - (vii) Fire access
  - (viii) Fire/Emergency command center

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**SECRETARY**  
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