

27 CFR 181.11: MEANING OF TERMS
(Also 181.186)

An office or repair shop used in connection with the manufacture, etc., of explosive materials are not “inhabited buildings.”

ATF Rul. 75-20

[Status of ruling: Active]

The Bureau of Alcohol, Tobacco and Firearms has been asked to explain the application of 27 CFR 181.11, as it relates to “Inhabited Building.”

The case in question concerns whether or not a building, such as an office or repair shop, which is located on manufacturing premises closer to facilities approved for the storage of explosive materials than permitted by the American Table of Distances, as set forth in regulations implementing Title II, Regulation of Explosives (Chapter 40, Title 18, U.S.C.), is an “inhabited building,” as defined in 27 CFR 181.11)

Regulations in 27 CFR 181.186 and 181.198 set forth provisions concerning the location of storage facilities and the minimum distances such storage facilities may be located from, among other things, “inhabited buildings.”

Regulations in 27 CFR 181.11 define “inhabited building” as any building regularly occupied in whole or in part as a habitation for human beings, or any church, schoolhouse, railroad station, store or other structure where people are accustomed to assemble, except any building occupied in connection with the manufacture, transportation, storage, or use of explosive materials.

These provisions are intended to provide protection to persons who inhabit buildings located near premises where explosives are manufactured, stored, etc. However, it is the intent of section 181.11 to except buildings used by the explosives industry in connection with the manufacture, transportation, storage, or use of explosive materials from the table of distance requirements on “inhabited buildings.”

Held, a building, such as an office or repair shop, which is a part of the premises of an explosives manufacturer and is used in connection with the manufacture, transportation, storage, or use of explosive materials is not an “inhabited building” as defined in 27 CFR 181.11.

Signed: June 26, 1975

[Editor’s Note: 27 CFR Part 181 is now 27 CFR Part 555.]