

The City of Billings (Yellowstone County), Montana

Neither the City of Billings, Montana (MT) nor Yellowstone County appear to have a housing or property maintenance code. (Billings is the county seat of Yellowstone County.) The City's sanitation code is not relevant. As explained below, the nuisance law has limited applicability to housing maintenance.

Housing Code

In short, it appears that Billings repealed its Housing Code, and adopted MT's building code. The MT code, in turn, adopts the International Building Code (IBC), but without the IBC's property maintenance (IPMC) provisions.

- Billings repealed its Housing Code in 1994¹ – and adopted the “building, electrical, plumbing and mechanical codes” incorporated by reference into the Administrative Rules of Montana (ARM).²
- The ARM adopted the International Building Code (IBC) -- but modified the IBC for “both the [state’s] building code enforcement program *and local government building code enforcement programs.*” That modification stated that IBC “Subsection 101.4.5, Property Maintenance, *is deleted in its entirety.*”³
- Subsection 101.4.5 of the IBC incorporates the IPMC.⁴

Nuisance Law

The City's nuisance law prohibits maintaining “a dangerous structure . . . for more than thirty (30) days without . . . abating the dangerous condition of such structure.” City Code, Chapter 18, § 18-303(6). “Dangerous structure” means “any dangerous, decaying, unkempt, falling or damaged residential dwelling or other structure suitable for human occupancy” *Id.* § 18-302.

¹ City Code, Chapter 6, §§ 6-701 – 6-702, *citing* Ord. No. 94-4961, § 9 (May 23, 1994).

² City Code, Chapter 6, § 6-201(a). The city code does not appear to have any other replacement for the repealed housing code.

³ ARM § 24.301.146 (emphasis added).

⁴ “The provisions of the International Property Maintenance Code shall apply to existing structures and premises; . . . light, ventilation, space heating, sanitation, life and fire hazards; [and] responsibilities of owners, operators, and occupants” IBC, § 101.4.5 (2006).