

ORDINANCE OF THE CITY OF EAST ORANGE, NEW JERSEY

1st Reading: 05, 20, 2024

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Final Reading: 06, 10, 2024

Approved as to Form and Legality
On Basis of Facts Set Forth:


Corporation Counsel

Appropriations:

Comptroller

Councilman/Councilwoman _____

Referred to Planning Board: ____/____/____

Received from Planning Board: ____/____/____

Factual Contents Certified to By:

Department Head

Tabled: ____/____/____

Removed From Table: ____/____/____

Presents the following Ordinance:

ORDINANCE NO. 14 OF 2024

AN ORDINANCE SUPPLEMENTING CHAPTER 5, ARTICLE VIII OF THE CITY CODE ENTITLED
"DIVISION OF TAX COLLECTION AND REVENUE" TO INCLUDE A SECTION FOR SHORT TERM
RENTALS

WHEREAS, Short Term Rentals are becoming increasingly controversial in the State of New Jersey. For homeowners, the ability to rent out their properties via Short Term Rentals can be lucrative. However, this can lead to increased noise, trash and other negative impacts on the neighborhood.

WHEREAS, due to this increasingly popular demand there exists a need to regulate and govern Short-Term Rentals in the City of East Orange.

NOW, THEREFORE, BE IT ORDAINED by the East Orange City Council as follows:

SECTION 1.

§ 5-47 Division established; Tax Collector to be Division Manager.

Under the oversight, supervision and direction of the City Administrator; there is hereby established the Division of Tax Collection and Revenue. The Tax Collector shall be the Division Manager of the Division of Tax Collection and Revenue. The Tax Collector shall perform those duties as assigned and designated by the City Administrator and aid the Chief Financial Officer in effectuating the duties of this Division as set forth in this chapter. The Tax Collector shall be responsible for the collection of taxes and miscellaneous revenues as well as making the required daily bank deposits.

§ 5-48 Power to collect taxes and assessments.

The Tax Collector and the persons in the Division of Tax Collection and Revenue so designated by him shall have the power to collect all taxes, real and personal, and assessments levied by and on behalf of the City by all means permitted by law.

§ 5-49 Duties of Tax Collector.

The Tax Collector shall undertake such other and further duties for collection of money on behalf of the City as may be designated by the City Administrator or by resolution of the Mayor and City Council. Among other duties, the Tax Collector shall:

- A. Provide and file with the City Clerk the bond or bonds required by N.J.S.A. 54:4-122.4.
- B. Establish standard procedures and regulations for the preparation and mailing of tax bills annually or as provided by law, receipting of tax bills, utilizing tax bill receipting machines where supplied by the City, and supervise the operation thereof.

- C. Establish procedures for and supervise the recording, verifying and reporting of all money collected, and alert immediately the Mayor, City Council and the City Administrator or his designee of any default, delinquency, discrepancy or other indication of misconduct in the receipt, collection or depositing of money on behalf of the City.
- D. Render monthly reports as required by the City Administrator or his designee on all receipts.
- E. Take all steps necessary to collect taxes and assessments owing the City with interest and penalties as provided by law and ordinance, including reporting on and prosecuting tax foreclosures, as well as assertions of liens and claims in all pending proceedings about which he knows or is advised.
- F. Collect such other money, fees, claims or liens on behalf of the City as the Mayor or Mayor and City Council may designate.
- G. Upon approval of apportionment of liens for tax purposes, as provided in § 5-611, implement the same in conjunction with the Director of the Department of Property Taxation for purposes of assessment.
- H. Prepare and, upon payment of requisite fees, supply certificates of searches for municipal liens pursuant to N.J.S.A. 54:5-11.
- I. Require the names and addresses of the proposed seller and purchaser of real estate and deliver notice of such application for search to the Director of Property Maintenance and Revitalization under Chapter 159, Housing Standards; Property Maintenance.

§ 5-50 Tax Collector to issue licenses; Licensing Subdivision.

- A. Unless otherwise expressly provided by law or ordinance, the Tax Collector shall be the issuing officer for all licenses pursuant to Chapter 170, Licenses and Fees.
- B. There shall be a Licensing Subdivision within the Division of Tax Collection and Revenue to enable the Tax Collector to effectuate his duties under this section. The Subdivision of Licensing shall have the following duties:
 - (1) Issue licenses. The Subdivision of Licensing shall collect all license fees and issue licenses and renewal of licenses in the name of the City to all persons qualified under the provisions of the Code of the City of East Orange and shall:
 - (a) Make rules: promulgate all reasonable rules and regulations necessary to the operation and enforcement of this section, subject to approval of said rules and regulations by the City Administrator or his designee, Tax Collector and Mayor.
 - (b) Require affidavits: require applicants to submit all affidavits and oaths necessary to the administration of the licensing provisions of the Code of the City of East Orange.
 - (c) Obtain endorsement: submit all applications, in a proper case, to interested City officials and departments for their endorsements thereon as to compliance by the applicant with all City ordinances and regulations.
 - (d) Investigate: investigate and determine the eligibility of any applicant for a license as prescribed herein.

- (e) Examine records: examine the books and records of any applicant or licensee when reasonably necessary to the administration and enforcement of this chapter.
 - (f) Give notice: notify any applicant of the acceptance or rejection of his application and upon the refusal of any license or permit, at the applicant's request, state in writing the reasons therefore and deliver them to the applicant.
- (2) Information confidential. The Subdivision of Licensing shall keep all information furnished or secured under the authority of this Code in strict confidence. Such information shall not be the subject of public inspection and shall be kept so that the contents thereof shall not become known except to the persons charged with the administration of the chapter unless otherwise provided by law or authorized by the Corporation Counsel.

§ 5-51 Collection and disposition of moneys.

Unless otherwise expressly provided by law or ordinance, the Tax Collector shall receive all money for licenses, permits or other privileges authorized by the City Council by ordinance or resolution, and he shall maintain a complete record of the money received, from whom received and the license or permit issued therefor. All such money shall be delivered to the Treasurer for deposit within one day in a duly established bank account in the name of the City, and a receipt from the City Treasurer and report thereon duly rendered to the City Administrator or his designee.

SECTION 2. (New Sections)

§ 5-52 Short-Term Rentals Subdivision.

A. Definitions

- (1) Dwelling Unit: shall mean any room or rooms, or suite or apartment thereof, whether furnished or unfurnished, which is occupied, or intended, arranged or designed to be occupied, for sleeping or dwelling purposes by one or more persons, including but not limited to the owner thereof, or any of the person's or persons' servants, agents or employees, and shall include all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy thereof.
- (2) Multiple Dwelling: means any building or structure and any land appurtenant thereto, and any portion thereof, in which three or more dwelling units are occupied or intended to be occupied by three or more persons living independently of each other. "Multiple Dwelling" also means any group of 10 or more buildings on a single parcel of land or on contiguous parcels under common ownership, in each of which two dwelling units are occupied, or intended to be occupied, by two persons or households living independently of each other, and any land appurtenant thereto, and any portion thereof. "Multiple Dwelling" does not include those buildings and structures that are excluded pursuant to N.J.S.A. 55:13A-3(k).
- (3) Owner: shall mean any person alone or jointly or severally with others:
 - (a) Who has legal or equitable title to any premises, with or without accompanying actual possession thereof.

- (b) Who has equitable title and is either in actual possession or collects rents therefrom.
 - (c) Who, as executor, executrix, trustee, guardian or receiver of an estate or as mortgagee or as vendee in possession, either by virtue of a court order or by agreement or voluntary surrender of the premises by the person holding legal title, or as collector of rents, shall have charge, care or control of any dwelling, boardinghouse or lodging house; or any such persons thus representing the person holding the equitable or legal title, all of whom under this chapter shall be bound to comply with the provisions hereof and any rules and regulations adopted pursuant thereto to the same extent as if they were the persons holding legal or equitable title.
- (4) Owner-occupied: shall mean the owner of the Property who resides in the short-term rental Property, or in the principal residential unit with which the short-term rental Property is associated on the same lot and identifies same as his or her principal residence as that term is defined in this section. For purposes of this section, if the owner of the Property is an entity other than an individual or individuals, then at least one principal or member of the owner entity must reside in the short-term rental Property, or in the principal residential unit with the short-term rental Property is associated on the same lot and identify same as his or her principal residence as that term is defined in this section.
- (5) Principal Residence: shall mean the address:
 - (a) Where at least one of the Property owners spends the majority of his or her non-working time.
 - (b) Which is most clearly the center of his or her domestic life.
 - (c) Which is identified on his or her driver's license or State identification card as being his or her legal address.
 - (d) All the above requirements must be met in order for an address to constitute the principal residence for the purposes of this section.
- (6) Property: shall mean a parcel of real Property located within the boundaries of the City of East Orange, Essex County, State of New Jersey.
- (7) Responsible Party: shall mean the short-term rental Property owner or a person (Property manager) designated by the owner to be called upon and be responsible at all times during the period of a short-term rental to answer for the maintenance of the Property, or the conduct and acts of occupants of the short-term rental Property, and, in the case of the Property manager, to accept service of legal process on behalf of the owner of the short-term rental Property.
- (8) Short-Term Rental: (hereinafter "STR") shall mean the accessory use of a Dwelling Unit as defined in this section for occupancy by someone other than the unit's owner or permanent resident for a period of twenty-eight (28) or fewer consecutive days, which dwelling unit is regularly used and kept open as such for the lodging of guests, and which is advertised or held out to the public as a place regularly rented to transient occupants as defined in this section.
- (9) Short-Term Rental Property: (hereinafter "STRP") shall mean a dwelling unit as defined in this section, that is used and/or advertised for rent as a STR for transient occupants as guests, as those terms are defined in this section.

- (10) Short-Term Rental Property Agent: shall mean any New Jersey licensed real estate agent or other person designated and charged by the owner of a STRP, with the responsibility for making the short-term rental application to the City on behalf of the owner and fulfilling all of the obligations in connection with completion of the short-term rental Property permit application process on behalf of the owner. Such person shall be available for and responsive to contact on behalf of the owner at all times.
- (11) Substantiated Complaint: shall mean a civil or criminal complaint, summons, or notice of violations(s) that is supported by substantial evidence or probable cause.
- (12) Transient Occupant: shall mean any person or a guest or invitee of such person, who, in exchange for compensation, occupies or is in actual or apparent control or possession of residential Property, which is either: (1) registered as a STRP; or (2) satisfies the definition of STRP. It shall be a rebuttable presumption that any person who holds themselves out as being an occupant or guest of an occupant of the STR is a transient occupant.
- (13) Unsafe Structure: shall mean a condition that creates a substantial risk of injury to life and/or Property.

§ 5-53 Regulations for Short-Term Rentals.

- A. It shall be unlawful for any owner of any Property to rent, operate, or advertise a STR in a manner that is contrary to the procedures and regulations established in this section or applicable state law.
- B. STR shall only be permitted to be conducted in the following classifications of Property in the City of East Orange:
 - (1) Dwelling units located in a condominium association, homeowners association, or cooperative association, where the associations' bylaws, master deed, or other relevant governing document permits STR and where the owner of the unit legally identifies an address within the association as his or her principal residence.
 - (2) Individually or collectively owner-occupied single-family residences.
 - (3) Two dwelling units within a two-family residential dwelling, where one unit is owner-occupied.
 - (4) Two dwelling units in a Multiple Dwelling provided that:
 - (a) The Multiple Dwelling is not located in a condominium association, homeowner association, or cooperative association.
 - (b) The Multiple Dwelling contains four (4) separate dwelling units.
 - (c) Another dwelling unit in the Multiple Dwelling is owner-occupied.
 - (5) No more than three (3) rooms within a single-family residential dwelling unit operating as a bed and breakfast and the remainder of the single-family dwelling unit is owner-occupied and is identified by the owner as his or her principal residence, except that no room shall be occupied by any more than two adults and their minor children at anytime.

- C. STR shall not be permitted in a Multiple Dwelling in which rent is set by HUD, a State agency, agreement with the owner/developer or governed by Chapter 218 of this Code.
- D. The following shall not be permitted to operate as STR pursuant to this section: hotels, motels, studio hotels, rooming houses, dormitories, public or private clubs, convalescent homes, rent homes, homes for ages people, adult family care homes, assisted living facilities, community residences for developmentally disabled persons, community shelters for victims of domestic violence, senior housing, nursing homes, foster homes, hallway houses, transitional housing facilities, or other similar facilities operated for the care, treatment, or reintegration into society of human beings; any housing owned or controlled by an educational institution and used exclusively to house students, faculty or other employees with or without their families; any housing operated or used exclusively for religious, charitable or educational purposes; or any housing owned by a governmental agency and used to house its employees or for governmental purposes.
- E. Except as provided in subsection H of this section, rentals of any dwelling unit where the owner/operator of the STRP is not present shall be conducted no more than sixty (60) total nights per calendar year. Each night in excess of this limit shall be considered a separate violation.
- F. Rentals of any dwelling unit where the owner/operator of the STRP is not present shall be prohibited in dwelling units located in any Multiple Dwellings that contain more than four (4) separate dwelling units. It shall be a violation to rent or to advertise such properties.
- G. The person offering a dwelling unit for STR use must be the owner of the dwelling unit. A tenant of a Property may not apply for a STR permit, nor shall the Property or any portion thereof be sub-leased by the tenant on a short-term basis or operated as a STRP by the tenant except as provided below. This STRP regulation shall supersede any conflicting provision in a private lease agreement permitting sub-leasing of the Property, or any portion of the Property. Violation of this section will result in the enforcement action against the tenant, the STRP owner, the short-term rental agent, and the responsible party, and will subject all such parties to the issuance of a summons and levying of finds and/or penalties.
- H. If, at the time of the adoption of this chapter, an owner is operating two (2) properties as STR, it may continue to operate one non-owner-occupied Property as a STR, provided that the following conditions are met:
- (1) The STRP is one of the classifications of Property enumerated in subsection B of this section, notwithstanding the owner-occupied requirements.
 - (2) An individual designated by the owner resides in the STRP, or in the principal residential unit with which the STRP is associated on the same lot and identifies same as his or her principal residence. The designated individual must be available to be called upon and be responsible at all times during the period of a STR and to answer for the maintenance of the Property, or the conduct and acts of occupants of the STRP, and, in the case of the Property manager, to accept service of legal process on behalf of the owner of the STRP.
 - (3) The non-owner-occupied Property is in compliance with the remainder of this chapter.
- I. If, at the time of the adoption of this chapter, a currently operating STR that is not eligible for a STR permit under this chapter has an existing contract with a transient occupant to use the STR for some period of time before January 1, 2025, the

requirements of this chapter shall not apply to the pre-existing contract. During the unpermitted operation of a STR pursuant to this subsection, the responsible party must, upon the request of the East Orange Short-Term Rental Subdivision, provide documentation indicating that: (1) the STR was in operation before the adoption of this chapter; and (2) the STR contract was made before the adoption of this chapter. If the requested documentation is not provided to the East Orange Short-Term Rental Subdivision within twenty (20) days of the request, it shall constitute a violation of this chapter.

- J. The fees charged by an Owner under this Chapter for a STR shall not be calculated for the purposes of establishing the base rent under Chapter 218 for any Property governed under such Chapter.
- K. If, at the time of the adoption of this chapter, a STRP is being operated by a tenant, the tenant may continue to do so without a STR permit for the duration of the lease or until January 1, 2025, whichever occurs sooner. During the unpermitted operation of a STR pursuant to this subsection, the responsible party must, upon the request of the East Orange Short-Term Rental Subdivision, provide documentation indicating that: (1) the STR was in operation before the adoption of this chapter; and (2) that the tenant-operator's lease was not renewed after the adoption of this chapter. If the requested documentation is not provided to the East Orange Short-Term Rental Subdivision within twenty (20) days of the request, it shall constitute a violation of this chapter.

§ 5-54 Short-Term Rental Permit; Permit Registration Fee/Application.

- A. In addition to any land use requirements(s) set forth in the City of East Orange's land use regulations., the owner/operator of a STRP shall obtain a STR permit from the East Orange Short-Term Rental Subdivision before renting or advertising for rent any STR. The application for a STR permit must meet the following initial requirements to be considered:
- (1) For existing STR, the applicant must not have had more than one documented unsafe structure notice within the last year.
 - (2) For existing STR, the applicant must have no violations of the City of East Orange's Noise Pollution Ordinance, located Chapter 184 of this Code, within the last two (2) years. A violation of the Noise Pollution Ordinance shall mean a documented violation of the City of East Orange Municipal Court.
 - (3) In the event that any code violations have been issued by the City of East Orange relating to the STRP, a STR permit shall not be issued until such time as such violations have been properly abated. The STRP owner must also close any open construction permits for the Property prior to the issuance of a STR permit; and
 - (4) The applicant must be current with all City taxes, water, and sewage charges.
 - (5) Any Property which receives a payment in lieu of taxes ("PILOT") or short-term tax abatement shall be ineligible for a STRP.
 - (6) All fines or penalties issued by the East Orange Municipal Court for any past code violations relating to the STRP, including penalties for failure to appear in such Court, must be satisfied in full prior to the issuance of a STRP.
- B. No person or entity shall operate a STRP, or adverse a residential Property for use as STRP, without the owner/operator of the Property first having obtained a STR permit issued by East Orange Short-Term Rental Subdivision. The failure to obtain a valid STR permit prior to using or advertising the STRP in any print, digital, internet advertising

or web-based platform, and/or in the multiple listing service (hereinafter "MLS") or any realtor's Property listing shall be a violation of this chapter. No STR permit issued under this section may be transferred or assigned, or used by any person or entity, other than the owner to whom it is issued, or at any Property location or dwelling unit other than the Property for which it is issued.

- B. An owner of Property, intended to serve as a STRP, or any agent acting on behalf of the owner, shall submit to the East Orange Short-Term Rental Subdivision, a STR permit application provided by the City, along with the initial registration fee of seven hundred fifty dollars (\$750.00). Said fee shall be non-refundable, including in the event that the application is denied.
- C. If granted, the STR permit shall be valid for a period of one (1) year from the date of issuance.
- D. A STR permit shall be renewed on an annual basis, based upon the anniversary of the original permit issuance, by submitting to the East Orange Short-Term Rental Subdivision, a STR permit application, and a renewal registration fee of seven hundred fifty dollars (\$750.00). Said fee shall be non-refundable, including in the event that the application is denied.
- E. The STR permit shall expire automatically when the STRP changes ownership, and a new initial application and registration fee will be required in the event that the new owner intends to use the Property as a STRP. A new application shall also be required for any STR that had its STR permit revoked or suspended.

§ 5-55 Application Process for Short-Term Rental Permits and Inspections.

- A. Applicants for a STR permit shall submit, on an annual basis, an application for a STR permit to the East Orange Short-Term Rental Subdivision. The application shall be furnished, under oath, on a form specified by the East Orange Short-Term Rental Subdivision, accompanied by the non-refundable application fee as set forth Section 5-54 of this chapter. Such application shall include:
 - (1) The name, address, telephone number and email address of the owner(s) and, if applicable, designated person of record of the dwelling unit for which a permit is sought. If such owner is not a natural person, the application must include and identify the names of all partners, officers and/or directors of any such entity, and the personal contact information, including street address, email address and telephone number of each of them.
 - (2) The address of the proposed STR.
 - (3) A copy of the driver's license or State identification card of the owner and, if applicable, designated person of the STRP, confirming, as set forth in this section, that the Property is the principal residence of the owner making the application for the STR permit.
 - (4) The owner's sworn acknowledgement that he/she/it is in compliance with the requirement that the STRP constitutes the owner's principal residence, or, if applicable, that of the designated person.
 - (5) The name, address, telephone number and email address of the short-term rental Property agent, which shall constitute his/her/its seven (7) day a week, twenty-four (24) hour a day contact information.
 - (6) Copies of two (2) utility bills from the STRP that are less than thirty (30) days

old.

- (7) The owner's sworn acknowledgement that he/she/it has received a copy of this chapter, has reviewed it, understands its requirements, and certifies as to the accuracy of all information provided in the STR permit application.
 - (8) The number of locations of all parking spaces available on the premises, which shall include the number of legal off-street parking spaces and on-street parking spaces directly adjacent to the premises. The owner shall certify that every effort will be made to avoid and/or mitigate issues with on-street parking in the neighborhood in which the STR is located, resulting from excessive vehicles generated by the STR of the Property, in order to avoid a shortage of parking for residents in the surrounding neighborhood.
 - (9) The owner's agreement that all renters of the STRP shall be limited to one (1) vehicle per two (2) occupants in the STRP.
 - (10) The owner's agreement to use his/her/its best efforts to assure that the use of the STRP by all transient occupants will not disrupt the neighborhood and will not interfere with the right of neighboring Property owners to the quiet enjoyment of their properties.
 - (11) If an owner is applying for a STR permit for a Property that is not owner-occupied, the owner must provide documentary evidence that the non-owner-occupied Property was in use as a STRP at the time of the adoption of this chapter.
 - (12) Any other documentation that any other chapter of the East Orange Municipal Code requires a Property owner to provide to the City in connection with an application for a full certificate of conformity and full certificate of habitability. Any applications containing a conditional certificate of conformity or temporary certificate of habitability shall automatically be rejected. The Director of East Orange Short-Term Rental Subdivision, or his/her designee, shall have the authority to obtain additional information from the STRP owner/applicant or amend the permit application to require additional information, as necessary, to achieve the objectives of this chapter.
- B. Every initial application for a STR permit shall require documentation indicating that the Property has been inspected for compliance with the City's fire safety regulations and Property Maintenance Code within the past six (6) months and have past such inspections. Thereafter, upon renewal, the applicant must present documentation that the Property has been inspected with the City's fire safety regulations and Property Maintenance Code within the past three (3) years and has passed such inspections. Each application is subject to review to verify the STRP's eligibility for use as a STR and compliance with the regulations in this section. In addition, the City reserves the right to inspect an STRP for compliance with the fire safety regulations and the Property Maintenance Code, regardless of the status of the STRP's permit application, if the City receives information that there may be a violation on the premises.
- C. A zoning compliance certificate, which states that the premises are not being occupied or used in violation of the City's land use regulations and zoning ordinances shall also be required.
- D. A sworn statement shall be required that there has been no prior revocation or suspension of this or a similar license, in which event a license shall not be issued, which denial may be appealed as provided hereinafter.
- E. Attached to and concurrent with submission of the permit application, the owner shall

provide:

- (1) Proof of the owner's current ownership of the STR unit.
 - (2) Proof of general liability insurance in a minimum amount of five hundred thousand dollars (\$500,000.00) for each claim and five hundred thousand dollars (\$500,000.00) aggregate for each policy period.
 - (3) Written certifications from the short-term rental Property agent and responsible party that they agree to perform all of the respective duties specified in this section.
- F. The STRP owner/permit holder shall publish the STR permit number issued by the East Orange Short-Term Rental Subdivision, in every print, digital and internet advertisement and in the MLS or other real estate listing of a real estate agent licensed by the New Jersey Real Estate Commission, in which the STRP is advertised for rent on a short-term basis.
- G. The STRP owner or agent shall maintain an up-to-date log of all transient occupants who will be occupying the STRP, which shall contain the occupant or occupant's names, ages, dates of commencement and expiration of each STR period. This log shall be available for inspection by the East Orange Short-Term Rental Subdivision in case of emergency. The purpose of this requirement is to ensure that the City has basic identifying information of all occupants of the STRP at all times.
- H. In no event shall a STRP be rented to anyone younger than twenty-one (21) years of age. The primary occupant of all STR executing the agreement between the owner and the occupant must be over the age of twenty-one (21), and must be the party who will actually occupy the Property during the term of the STR. The primary occupant may have guests under the age of twenty-one (21) who will share and occupy the Property with them. Both the primary occupant executing the STR agreement and the STRP owner shall be responsible for compliance with this provision, and shall both be liable for a violation, where the STRP is not occupied by at least one adult over the age of twenty-one (21) during the term of the STR. No one under eighteen (18) years of age shall be permitted on the premises of a STRP unless they are accompanied by their legal guardian.
- I. The STRP owner or agent shall register with the Director of the East Orange Short-Term Rental Subdivision each STR within forty-eight (48) hours after each rental. The registration shall include the duration of the STR.

§ 5-56 Issuance of Permit and Appeal Procedure.

- A. Once an application is submitted, complete with all required information and documentation and fees, the East Orange Short-Term Rental Subdivision, following any necessary investigations for compliance with this section, shall either issue the STR permit or issue a written denial of the permit application, with the reasons for such denial being stated therein within thirty (30) days. During any necessary investigations performed by the East Orange Short-Term Rental Subdivision, the owner or the owner's STR agent must provide access to the STRP to the City's representatives. A failure to provide such access may result in the STR permit application being denied.
- B. If denied, the applicant shall have ten (10) business days to appeal the denial in writing, to the East Orange City Administrator.
- C. Within thirty (30) days thereafter, the East Orange City Administrator, or his/her designee shall hear and decide the appeal. The decision shall be in writing and shall

be final.

§ 5-57 Short-Term Rental Operational Requirements.

- A. All STRs must comply with all applicable rules, regulations and ordinances of the City of East Orange and all applicable rules, regulations, and laws of the State of New Jersey, including regulations governing such lodging uses, as applicable. The STRP owner shall ensure that the STR is used in a manner that complies with all applicable laws, rules and regulations pertaining to the use and occupancy of a STR.
- B. A dwelling unit shall be limited to three (3) STR contracts at a time.
- C. The owner of a STRP shall not install any advertising or identifying mechanisms, such as signage, including lawn signage, identifying the Property for rent as a STRP.
- D. Transient occupants of the STRP shall comply with all ordinances of the City of East Orange, including but not limited to, those ordinances regulating noise and nuisance conduct. Failure of transient occupants to comply shall subject the transient occupants, the owner of the STRP, the responsible party, and the STR agent listed in the STR permit application, to the issuance of fines and/or penalties, and the possibility of the revocation or suspension of the STRP.
- E. The owner of a STRP shall post the following information in a prominent location within the STR:
 - (1) Owner name, if the owner is an entity, the name, email address and phone number of a principal in the entity.
 - (2) The names, email addresses, and phone numbers for the responsible party and the short-term rental agent.
 - (3) The phone numbers for the East Orange Department of Public Safety; East Orange Officer of Emergency Management and East Orange Short-Term Rental Subdivision.
 - (4) The maximum number of parking spaces available for STR use onsite.
 - (5) Trash and recycling pick-up day, and all applicable rules and regulations regarding trash disposal and recycling.
 - (6) Notification that a guest, transient occupant, the short-term rental Property agent, the responsible party or STRP owner may be cited or fined by the East Orange Department of Public Safety, East Orange Short-Term Rental Subdivision, East Orange Code Enforcement for violations of the East Orange Municipal Code.
- F. If any of the information required by subsection E above is inaccurate while displayed in the STR, it shall constitute a violation of this chapter.
- G. In the event that any complaints are received by the East Orange Department of Public Safety, East Orange Code Enforcement, or East Orange Short-Term Rental Subdivision regarding the STR and/or the transient occupants and the owner of the STRP is unreachable or unresponsive, both the responsible party and the short-term rental agent listed in the STR permit application shall have the responsibility to take any action required to properly resolve such complaints, and shall, by default, be authorized by the STRP owner to do so.
- H. While a STRP is rented, the owner, the short-term rental agent, or the responsible party

shall be available twenty-four (24) hours per day, seven (7) days per week for the purposes of responding within two (2) hours to complaints regarding the condition of the STRP premises, maintenance of the STRP premises, operation of the STRP, or conduct of the guests at the STRP, or nuisance complaints from the East Orange Department of Public Safety or neighbors arising by virtue of the STR of the Property.

- I. If the STRP is the subject of three (3) or more substantiated complaints, the Director of the East Orange Short-Term Rental Subdivision, or his/her designee, shall revoke the STR permit issued for the STRP, in which case, the STRP may not be the subject of a new STR permit application for one (1) year following the date of revocation of the permit. The Director of the East Orange Short-Term Rental Subdivision, or his/her designee, or the City Administrator, or his/her designee, shall retain the discretion to revoke a STR permit in the event of a single substantiated complaint, if, in their sole discretion, the interests of the City and its residents justify immediate revocation. In the event that a STRP is the subject of a civil and/or criminal complaint and/or code violation that involves an unsafe structure, the Director of the East Orange Short-Term Rental Subdivision, or his/her designee, or the City Administrator, or his/her designee may, at their sole discretion, suspend the STRP's STR permit pending a civil judgment or criminal conviction.
- J. To the extent that the City receives two (2) substantiated complaints concerning excessive vehicles belonging to the transient occupants of a STRP, the STR permit for the Property is subject to revocation by the Director of the East Orange Short-Term Rental Subdivision, or his/her designee, or the City Administrator, or his/her designee.
 - (1) When the City Administrator and/or the East Orange Short-Term Rental Subdivision receives notice of a civil and/or criminal complaint and/or code violation at a STRP, the Director of the East Orange Short-Term Rental Subdivision, or his/her designee, or the City Administrator, or his/her designee, shall issue a written notice of revocation or suspension, as applicable, of the STR permit with the reasons for such revocation or suspension being stated therein within thirty (30) days of receiving such notice.
 - (2) The applicant shall have ten (10) business days to appeal the revocation or suspension, in writing, to Mayor or his/her disagree. Within thirty (30) days thereafter, the Mayor, or his/her designee, shall hear and decide the appeal. The decision shall be in writing and shall be final.
- K. Failure to make an application for, and to obtain the issuance of, a STR permit prior to advertising the STRP in print publications or newspapers, on any internet-based booking platforms, or online, and/or in the MLS or other real estate listing of a real estate agent licensed by the New Jersey Real Estate Commission, shall be equivalent to the operation of the STRP without a STR permit, and shall constitute a violation of this chapter, and will result in enforcement action and the issuance of a summons, and shall subject the STRP owner, the short-term rental agent, and the responsible party to the issuance of fines and/or penalties.

§ 5-57.1 Violations and Penalties.

- A. Any violation of any provision of this chapter may subject the STRP owner, transient occupants, the short-term Property rental agent, and the responsible party or their agents to fines assessed by the East Orange Municipal Court up to two thousand dollars (\$2,000.00) per violation, but not less than one hundred (\$100.00) per violation per day that the violations exist.
- B. The STRP owner, transient occupants, short-term Property rental agent, and the responsible party or their agents shall have thirty (30) days to cure the violation prior to being scheduled to appear before the East Orange Municipal Court. Within the thirty

(30) day period, at the STRP owner, transient occupants, short-term Property rental agent, or the responsible party or their agents' written request, they shall be afforded a hearing before the East Orange Municipal Court for an independent determination concerning the violation. Following the hearing, the East Orange Municipal Court shall:

- (1) Dismiss the violations; or
- (2) Impose fines and penalties based upon violations not abated; or
- (3) Grant no more than a thirty (30) day compliance period.

C. After the expiration of the thirty (30) day compliance period contained above, the maximum fine allowable for the violations shall be imposed if all violations have not been abated.

SECTION 3. SEVERABILITY OF ORDINANCE PROVISIONS

Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity of constitutionality of any other sections or parts thereof.

SECTION 4. INCONSISTENCIES

All ordinances and parts of ordinances in conflict or that are inconsistent with this ordinance are hereby repealed but only to the extent of such conflict or inconsistency.

SECTION 5. EFFECTIVE DATE

This ordinance shall take effect after final passage and upon expiration twenty (20) days following publication unless otherwise provided by resolution of this City Council.

FIRST READING

<i>Councilmember</i>	AYE	NAY	NV	AB	VETO
GOMEZ	✓				
MONK	✓				
LENEUS	✓				
LEWIS	✓				
FAUNTLEROY		✓			

<i>Councilmember</i>	AYE	NAY	NV	AB	VETO
HOLMAN	✓				
GARRETT-WARD	✓				
AWE	✓				
JAMES				✓	
PULLINS, JR.	✓				

RECORD OF COUNCIL VOTE ON SECOND READING & FINAL PASSAGE

<i>Councilmember</i>	AYE	NAY	NV	AB	VETO
GOMEZ	X				
MONK	X				
LENEUS	X				
LEWIS	X				
FAUNTLEROY		X			

<i>Councilmember</i>	AYE	NAY	NV	AB	VETO
HOLMAN	X				
GARRETT-WARD	X				
AWE	X				
JAMES				X	
PULLINS, JR.	X				

X - Indicates Vote AB - Absent NV - Not Voting (Abstain/Excused)

ACTION ON VETO: ✓ to Sustain ✓✓ to Override

Passed on First Reading: 05/20/2024

Adopted on Final Reading: 06/10/2024

Presented to Mayor: 06/11/2024

Approved: 6/12/2024

Vetoed: _____

Reconsidered by Council: _____

Mayor

Vernon Pullins, Jr. City Council Chairman

City Clerk