

**LEGAL NOTICE  
NOTICE OF HEARING**

**NOTICE IS HEREBY GIVEN** that a hearing will be held at 7:30 p.m. in the Council Chambers of the Kenmore Municipal Building, 2919 Delaware Avenue, Kenmore, New York on Tuesday, June 17, 2025 by the Board of Trustees for the Village of Kenmore to consider, and possibly adopt, a proposed Local Law which would amend Chapter 25, Article XIV, Outdoor Dining. The proposed law is available to review in the Office of the Clerk/Treasurer during business hours.

Kathleen P. Johnson  
Clerk/Treasurer, Village of Kenmore

**Village of Kenmore  
Local Law No. 4 of 2025**

**A Local Law Amending Chapter 25, Zoning, Article XIV, Outdoor Dining of  
the Village of Kenmore Municipal Code**

**Be it hereby enacted by the Village Board of Trustees of the Village of Kenmore as follows:**

**Section 1:** Chapter 25, Article XIV of the Village of Kenmore Municipal Code is hereby amended by modifying Section 25-328, to read in its entirety as follows:

- (a) No outdoor dining shall be allowed by any business or establishment unless a permit has first been obtained from the village clerk.
- (b) The fee for such permit shall be in such amount as determined from time to time by resolution of the board of trustees.
  - 1. In the event that a permit application is denied prior to any outdoor dining area being established, the applicant may receive one-half of the permit fee paid upon making a written request to the office of the village clerk, and with the clerk's approval.
  - 2. In the event an application for a permit is denied, and the applicant has already established such outdoor dining area, the permit application fee will not be refunded and the applicant and/or establishment will be required to remove any outdoor dining furniture and/or fixtures.
- (c) The permit may be conditioned on modifications or restrictions intended to ensure compliance with all applicable rules, regulations, ordinances, local laws and statutes and the general protection of health, safety and welfare and the intent of this legislation.
- (d) No outdoor dining facilities may extend beyond the property lines of a business or establishment or otherwise encroach upon village property without the receipt of a license from the village.

**Section 2:** Chapter 25, Article XIV of the Village of Kenmore Municipal Code is hereby amended by modifying Section 25-341, to read in its entirety as follows:

**Sec. 25-341. - Restrictions.**

- (a) No tables, benches, seats, planters, decorations or signs shall occupy or block any existing parking spaces without the express authorization of the village, nor may such furnishings block parking meters, trees, utility poles, mail boxes, exits or entrances, or be located so as to block or impede pedestrian or vehicular traffic.
- (b) All furnishings and fixtures are to be maintained in a satisfactory state of repair, cleanliness and appearance.
- (c) Reserved.

- (d) Reserved.
- (e) Furnishings are limited to tables, table umbrellas, chairs, and planters. Furnishings may not be attached, even in a temporary manner, to the sidewalk or other public property without the express authorization of the village.
- (f) No outside music or speakers shall be permitted.
- (g) Activities of any nature conducted now or hereafter by any commercial establishment, enterprise, business, venture or shop in the village, may not take place in conjunction with outdoor dining.
- (h) Such outdoor dining activities shall be limited to areas directly in front of each store or establishment and shall not extend beyond the property lines without the express authorization of the village. There shall be a minimum of five (5) feet total sidewalk width clearance to provide adequate and unobstructed pedestrian movement, such width to be measured from the outermost point of the outdoor dining area to the nearest obstruction.
- (i) Activities conducted now or hereafter by any commercial establishment, otherwise prohibited by all applicable rules, regulations, ordinances, local laws or statutes are not changed, amended, suspended or altered in any respect because of this article.
- (j) Other such restrictions as determined by the building inspector and/or clerk.

**Section 3. Severability.** Should any provision of this Local Law be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Local Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

**Section 4. Effective Date.** This Local Law shall be effective upon its filing with the Secretary of State in accordance with the Municipal Home Rule Law.