

**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, October 20, 2026 by the Board of Trustees for the Village of Kenmore to consider, and possibly adopt, a proposed Local Law which would establish a Business Occupancy Permitting process. In order to maintain or open a business, a permit would be needed which would provide emergency contact information and require the business owner to provide detailed information about the type of business and products which will be on the premises to determine if the business is allowed in the zoning district where the business is located. The local law would also establish the procedure for obtaining a permit and penalty for violations. The proposed law is available to review in the Office of the Clerk/Treasurer during business hours and on the Village of Kenmore website: <https://kenmoreny.gov>.

Kathleen P. Johnson
Clerk/Treasurer, Village of Kenmore

VILLAGE OF KENMORE, NEW YORK
Local Law No. [X] of 2026

A Local Law Establishing a Business Occupancy Permitting Regime

Section 1: Purpose and Intent.

The purpose of this Article is to provide for the licensing and registration of businesses located within the Village and to establish the procedures to be followed with respect to administration thereof. In enacting this Article, the board of trustees finds that the licensing of commercial operations promotes the public health, safety, and welfare by providing a central repository of emergency contact information for businesses and facilitates responsible business practices by clearly defining the goods and services offered by the Village's commercial establishments.

Section 2: the Kenmore Municipal Code is hereby amended to add a new Article VI titled Business Occupancy Permit to Chapter 12 (Licenses, Permits and Business Regulations) beginning with new Section 12-88 and additional sections to read in their entirety as follows: Article VI - Business Occupancy Permit.

Section 12-88: Business Occupancy Permit Required.

- (a) No person shall operate or maintain a business within the Village without first having obtained a business occupancy permit authorizing the operation of said business by said operator at the specific business location.
- (b) For the purposes of this Article, "business" shall be broadly defined as any commercial enterprise, whether or not conducted for profit, that involves the sale, lease, or exchange of goods or merchandise; or the rendering of any service, performance, or labor for compensation, fee, commission, or other consideration, and which is carried on, transacted, or maintained, in whole or in part, within the Village of Kenmore.
- (c) A business occupancy permit must be obtained whenever there is a significant change in management, location, goods and services provided, or property ownership. The business occupancy permit shall run indefinitely unless such a change occurs.
- (d) Operating a business without a business occupancy permit, offering goods and services outside the scope of those described on the business occupancy permit, or knowingly providing false information on an application for a business occupancy permit shall be punishable as set out in Section 12-93 of this Article.

Section 12-89: Application for Business Occupancy Permit.

- (a) An application for a Business Occupancy Permit shall be made to the Village Building Department on forms prescribed by the Village Clerk. The application shall request relevant information relating to the business operator and the business to be conducted at the premises.
- (b) The business occupancy permit application shall be accompanied by a payment of application fees as set by the Village Clerk from time to time.

Section 12-90: Inspections.

- (a) Upon receipt of an application for a business occupancy permit, the building inspector shall review the application and the business location to ensure that the operation of the business at that location will be in compliance with all applicable building and zoning laws.
- (b) The building inspector and chief of police may cause an inspection of the premises to be made to determine whether the applicant is complying with the laws and ordinances which they are charged with enforcing. Such officers and members of their staff shall have the right to enter upon any premises for which a business occupancy permit is sought for the purpose of making such an inspection during normal business hours and shall also have the authority to seek warrants where the same are constitutionally required.

Section 12-91: Issuance of Permit.

- (a) No business occupancy permit shall be issued unless the applicant has fully complied with the provisions of this Article.
- (b) Upon the Village Building Department's receipt of a complete application for a business occupancy permit, the verification of the information contained therein, and the completion of any inspections deemed necessary under Section 12-90 of this Article, the Building Department shall issue the business occupancy permit allowing the operation of the business described upon the application.
- (c) No person shall maintain or operate a business for which a business occupancy permit is required under this Article more than 90 days after the effective date of this Article, unless he or she has properly filed a business occupancy permit application. Initial Permits shall be issued or denied within 150 days after the effective date of this Article. Thereafter, business occupancy permits shall be issued or denied within 30 days after an application is completed.

Section 12-92: Compliance for Existing Businesses.

Businesses existing as of the date of the effective date of the Local Law enacting these provisions shall have six (6) months from the effective date to comply with these provisions. The failure for such existing businesses to comply in the aforementioned time frame will result in violations consistent with this Article.

Section 12-93: Violations.

- (a) Any person who operates a business without a business occupancy permit or offers goods and services outside the scope of those described therein shall be given written notice of the requirements hereunder and shall be advised to cease and desist from business operations until such time as a new or updated business occupancy permit shall be obtained or operations return to their approved scope.
- (b) Any person who shall continue any violation of this Article shall be guilty of a separate offense with respect to each day of continued violation and on conviction thereof shall be punished as provided in Section 1-7 of the Kenmore Village Municipal Code. of the Village Code.

- (c) The building inspector shall retain the authority, upon good cause shown, to suspend the business occupancy permit of a permit holder who violates the provisions of this Article. Prior to such suspension, the business shall be given notice of the intent to revoke the business occupancy permit and shall have an opportunity to be heard. The notice shall be sent by certified mail, return receipt requested, at least seven (7) days before such revocation to the business at the address listed on the application.
- (d) Upon good cause shown, the board of trustees of the village may revoke any business occupancy permit. Prior to such revocation, the business shall be given notice of the intent to revoke the business occupancy permit and shall have an opportunity to be heard. The notice of a hearing before the board of trustees on the matter shall be sent by certified mail, return receipt requested, at least seven (7) days before such hearing to the business at the address listed on the application.

Section 12-94: Severability.

If any provision of this Article is for any reason held unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this Article shall remain in effect. Such decision shall not affect the remainder of this Article. The Village hereby declares that it would have passed this local law and each section and subsection thereof, irrespective of the fact that any one or more of these sections, subsections, sentences, clauses, or phrases may be declared unconstitutional or invalid.

Section 12-95: Effective Date.

This Article shall be effective immediately upon filing with the Secretary of State.