



TOWN OF WEST NEWBURY
DBA
Business Certificate

Procedure:

- Complete **Business Certificate Filing Form**
- Meet with Building Inspector
- Bring signed Filing Form to Town Clerk's Office along with payment of \$60.00
- Sign: **Business Certificate & REAP Attestation**
- Business Certificate notarized by Town Clerk and certified copies are provided

OFFICE OF THE TOWN CLERK
381 Main Street, West Newbury, MA 01985
T: (978) 363-1110 F: (978) 363-1114

FILING A BUSINESS CERTIFICATE

(Massachusetts General Laws, Chapter 110, Section 5)

WHO MUST FILE?

...Any person conducting business under any title other than the complete real name of the owner, whether individually or as a partnership.
...INC., CORP., LTD MAY ONLY BE USED BY A CORPORATION
...Any corporation doing business in a name other than the corporate name. (Must be filed by a corporate officer)

WHO DOES NOT HAVE TO FILE?

...Any person doing business as a sole proprietor under their own complete name, such as John Smith Company, or if you are incorporated and are doing business under the true incorporated name.

WHERE DOES ONE FILE?

...File with the Town Clerk, either in person or by mail, in every city or town where an office of any such person, partnership or corporation may be situated.

WHAT DOES IT DO?

...a business certificate allows consumers and/or creditors to identify the names of the actual owners of a business. This information is a public record and is furnished to the Massachusetts Department of Revenue under the authority of Mass G.L. 62C, S 49A

WHAT DOESN'T IT DO?

...Filing a business certificate at the local Town Clerk's office does **NOT** protect your name or reserve it as does a corporate filing or a trademark registration (which is done through the State). It also does not give you permission to operate a business in the town-it only **registers your name**. In order to legally operate a business in town you must get the appropriate permits, licenses, variance, etc., that are required by the issuing departments of the town

WHAT ABOUT A CHANGE?

...Upon discontinuing, retiring or withdrawing from such business or partnership, or in the case of a change of residence of such person or of the location where the business is conducted, such form must filed with the office of the Town Clerk.

DOES A BUSINESS CERTIFICATE EXPIRE?

...A business certificate is in force and effect for four (4) years from the date of issue. A new filing must be made every four years as long as the business is conducted.

DO I HAVE TO DISPLAY THE CERTIFICATE?

...No...However you must provide a copy on request, during regular business hours, to any person who has purchased goods or services from such business.

FEES

...Business Certificate Filing	\$60.00 (\$15/year)
...Additional Certified Certificate Copies	\$10.00
...Withdrawals, Discontinuances, Changes, Etc.	\$25.00

FILING

Town Clerk
381 Main Street
West Newbury, MA 01985
(978) 363-1100 ext. 110

PENALTIES

...Violation of these provisions shall be subject to a fine of not more than three hundred dollars (\$300.00) for each month during which such violation continues.

BY MAIL

...Fill out form completely, with exception of the expiration date. **SIGN FORM BEFORE A NOTARY PUBLIC.** If hand-delivered to Town Clerk's Office, the document can be notarized there.

Town of West Newbury Business Certificate Filing Information

Building Inspector: Glenn Clohecy

Hours: Mondays & Wednesdays 8 - 12

Phone: (978) 363-1100 ext. 122 Fax: (978) 363-1119

To be completed by applicant(s):

Business Name: _____

Business Address: _____

Business Phone: _____ Email: _____

Owner (1):

Name: _____

Residential Address: _____

Phone number: _____ Email: _____

Owner (2):

Name: _____

Residential: _____

Phone number: _____ Email: _____

Owner (3):

Name: _____

Residential: _____

Phone number: _____ Email: _____

Description of services offered: _____

Emergency Contact Name and phone #: _____

OFFICIAL USE:

Please be advised the above business and location are appropriate for the proposed d/b/a.

Building Inspector

Date

MASSACHUSETTS DEPARTMENT OF REVENUE
REVENUE ENFORCEMENT AND PROTECTION (REAP)
ATTESTATION

I certify under the penalties of perjury that I, to the best of my knowledge and belief, have filed all state tax returns and paid all state taxes as required under the law.

* Signature of Individual or Corporate Name (Mandatory)

By: corporate Officer (Mandatory, If Applicable)

** Social Security # (Voluntary) or Federal Identification Number

* This license will not be issued unless this certification clause is signed by the applicant.

** *Your social security number will be furnished to the Massachusetts Department of Revenue to determine whether you have met tax filing or tax payment obligations. Licensees who fail to correct their non-filing or delinquency will be subject to license suspension or revocation. This request is made under the authority of Mass. G.L. c. 62C s. 49A.*

The Commonwealth of Massachusetts
Business Certificate

Date

Business Certificate # Tax ID

In conformity with the provision of Chapter one hundred and ten Section five of the General Laws, as amended, the undersigned hereby declare(s) that a business under the title of

Name of Business is conducted at

_____, West Newbury, MA _____, _____
Street Address Zip Code Business Phone #

by the following named person(s) or Corp. full name.

Name/Corp. _____ Signature _____

Residence (Street, City, Zip) _____

Name/Corp. _____ Signature _____

Residence (Street, City, Zip) _____

Name/Corp. _____ Signature _____

Residence (Street, City, Zip) _____

Name/Corp. _____ Signature _____

Residence (Street, City, Zip) _____

Purpose of filing this Business Certificate: _____ Type of Business _____

- New Business
- Renewal of an expiring business certificate
- Change in a business address
- Partial withdrawal of an owner
- Discontinuance of a business

A certificate issued in accordance with this Section shall be in force and effect for 4 years from the date of issue and shall be renewed each 4 years thereafter so long as such business shall be conducted, and shall lapse and be void unless so renewed.
Essex S.S

The Commonwealth of Massachusetts

On this ___ day of _____, 20___, before me, the undersigned notary public or Town Clerk's designee, personally appeared _____, proved to me through satisfactory evidence of identification, which were _____, to be the person/s whose name/s is/are signed on this document, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his/her/their knowledge and belief.

Notary Public My Commission Expires _____

The Business Certificate expires on _____. (Notarial or Town Seal):



Town of West Newbury

DISCONTINUANCE/CHANGE OF BUSINESS REGISTRATION

Date: _____ 20 ____

In conformity with the provisions of C 110, Sect 5 of The Massachusetts General Laws, as amended, the undersigned hereby declare(s) that the business under the title of:

as it appears on the Business Certificate filed on _____, 20 ____
has been changed as follows:

Business Has Been Discontinued.

Business Has Moved:

New Address: _____

New Business Telephone: _____

Owner Has Moved

New Residence: _____

Add additional Owner: _____

Residence: _____

Remove as Owner: _____

Residence: _____

(Signature)

(Signature)

The Commonwealth of Massachusetts

Essex ss.

Date _____ 20 ____

Personally appeared before me the above named: _____

and made oath that the foregoing statement is true.

(Notary Seal)

Town Clerk, Assistant Clerk or Notary Public

MGL Chapter 110

Section 5. Any person conducting business in the commonwealth under any title other than the real name of the person conducting the business, whether individually or as a partnership, shall file in the office of the clerk of every city or town where an office of any such person or partnership may be situated a certificate stating the full name and residence of each person conducting such business, the place, including street and number, where, and the title under which, it is conducted, and pay the fee as provided by clause (20) of section thirty-four of chapter two hundred and sixty-two. Such certificate shall be executed under oath by each person whose name appears therein as conducting such business and shall be signed by each such person in the presence of the city or town clerk or a person designated by him or in the presence of a person authorized to take oaths. The city or town clerk may request the person filing such certificate to produce evidence of his identity and, if such person does not, upon such request, produce evidence thereof satisfactory to such clerk, the clerk shall enter a notation of that fact on the face of the certificate. A person who has filed such a certificate shall, upon his discontinuing, retiring or withdrawing from such business or partnership, or in the case of a change of residence of such person or of the location where the business is conducted, file in the office of said clerk a statement under oath that he has discontinued, retired or withdrawn from such business or partnership or of such change of his residence or change of the location of such business, and pay the fee required by clause (21) of said section thirty-four. In the case of death of such a person, such statement may be filed by the executor or administrator of his estate. The clerk shall keep a suitable index of all certificates so filed with him which are currently in force and effect, setting forth the pertinent facts, including a reference to any statement of discontinuance, retirement or withdrawal from, or change of location of, such business, or change of residence of such person. A certificate issued in accordance with this section shall be in force and effect for four years from the date of issue and shall be renewed each four years thereafter so long as such business shall be conducted and shall lapse and be void unless so renewed. Copies of such certificates shall be available at the address at which such business is conducted and shall be furnished on request during regular business hours, to any person who has purchased goods or services from such business. Violations of this section shall be punished by a fine of not more than three hundred dollars for each month during which such violation continues.

Section 6. The preceding section shall not apply to any corporation doing business under its true corporate name, nor to any partnership doing business under any title which includes the true surname of any partner; nor to any association which has complied with sections five and six of chapter one hundred and fifty-nine; nor to any partnership, joint stock company or association the business of which is conducted by trustees under a written instrument or declaration of trust, provided that the names of such trustees with a reference to such instrument or declaration of trust shall be filed as provided in section five, nor to any limited partnership organized or qualified under chapter one hundred and nine doing business under its true partnership name if such name contains without abbreviation the words "limited partnership"; nor to a limited liability company or limited liability partnership which is doing business under its true name and which has registered or qualified with the office of the state secretary.