



TOWN CLERK

TOWN OF ACTON

472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 929-6620
Fax (978) 929-6340

INFORMATION ABOUT BUSINESS CERTIFICATES

(also known as "DBA's")

The purpose of a Business Certificate is to publicize the ownership and location of a business, as required by the General Laws ("Public Information"). Many Banks, Creditors and others will verify Business Certificates prior to making decisions regarding your business. Corporations meet the Public Information requirements simply by becoming incorporated (and annual reports thereafter) through the Secretary of State's office. Massachusetts General Law c. 110, § 5 (attached here) states that **"any person conducting business in the commonwealth under any title other than the real name of the person conducting the business"** shall file a Business Certificate. A "person" in this case also includes Corporations, if the Corporation is conducting business under any other title than its corporate name. Therefore, if you have incorporated at the state level with a business name, and are only conducting business under that same name, there is no obligation to file a local Business Certificate. You will also need to call the Secretary of State's office (617-727-2800 or www.mass.gov) to be certain that there is not already a corporation using the name that you are intending to use.

Business Certificates do not "license" any particular business activity. Although prior to being issued a Business Certificate, you will need the sign-off from the Acton Building Department, the Zoning Enforcement Officer, the Health Department and the Select Board, those sign-offs do not necessarily indicate that your business is licensed or permitted in the proposed location. Those departments will provide you information and advise you of other permits or licenses that you will need to obtain before you can operate the business. It remains your responsibility to ensure that all applications permits and licenses are obtained, and that you comply with all applicable rules, regulations, bylaws and laws.

Business Certificates are valid for four (4) years. The Town Clerk's office will mail you a reminder to renew your certificate at that time. However, if the address of either the Business or owner(s) changes, you are required to update your Certificate by filing that change with the Town Clerk's office. If the individual(s) conducting the business changes, you are required to file this change with the Town Clerk's office as well. If the business is discontinued, you are required to file this change with the Town Clerk's office.

Businesses are subject to Personal Property taxes. (Mass. G.L. Chap. 59, Sec. 29) You should speak with the Acton Assessor's office to file a **"Form of List"** with them. This should prevent being over-assessed on personal property used in conjunction with your business. **Businesses remain subject to Personal Property assessment until a Statement of Discontinuance is filed with the Town Clerk's office.**

The filing fee is \$30.00 and the Discontinuance or information change filing fee is \$10.00

IF YOU HAVE QUESTIONS ABOUT THIS INFORMATION, PLEASE ASK!

GENERAL LAWS OF MASSACHUSETTS
PART I.
ADMINISTRATION OF THE GOVERNMENT

TITLE XV.
REGULATION OF TRADE

CHAPTER 110. LABELS, TRADE MARKS, NAMES AND REGISTRATION THEREOF

LABELS, TRADE MARKS AND NAMES

Chapter 110: Section 5 Certificates of persons conducting businesses; contents; filing; fees; index

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.

**THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF ACTON
BUSINESS CERTIFICATE (DBA)**

New _____ # _____
 Renewal, old # _____
 Change _____
 Discontinuance of _____
Current Census for residential business DATE: _____ 20 _____

In conformity with the provisions of Massachusetts General Laws c. 110, §5, as amended, the undersigned hereby declare(s) that a business under the title of

(BUSINESS NAME) _____

(BUSINESS ADDRESS STREET ADDRESS) _____

(BUSINESS PHONE) _____

(BUSINESS EMAIL / WEBPAGE) _____

Commercial _____ Residential _____ Property Owner: YES _____ NO _____

FULL NAME	RESIDENTIAL ADDRESS	PHONE NUMBER

Signed

THE COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX; SS. _____ 20 _____

Personally appeared before me the above-named _____

and made oath that the foregoing statement is true.

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.

Expiration Date: _____

Title

TO ALL BUSINESS OWNERS

***FILL IN BELOW**

NAME OF BUSINESS _____

DESCRIPTION OF BUSINESS _____

ADDRESS OF BUSINESS _____

BUSINESS PHONE NUMBER _____

***APPLICANTS ACKNOWLEDGEMENT:**

I have received a copy of the Town Clerk's "Information about Business Certificates". I have contacted the Secretary of State's office and have been told that the name chosen for my business is available for use at this time.

I am aware that the business for which I am seeking this Certificate may be subject to local regulations and that the issuance of this Certificate does not document compliance with any of those regulations, nor does it in any manner waive the Town of Acton's ability to enforce those regulations on the business which is the subject of this Certificate. It is my obligation to ensure that the business for which this Certificate is sought receives all other required local and state approvals prior to conducting any business operations.

SIGNATURE OF APPLICANT _____ DATE _____

(Below the line is to be filled out by Town Officials)

NOTIFICATION OF TOWN DEPARTMENTS:

1. BUILDING DEPARTMENT

The Applicant for this Business Certificate appeared at the Building Department and received some information about laws, bylaws, rules and regulations that may be applicable to the business and some instruction concerning how to (1) obtain more information; and/or (2) comply with those laws, bylaws, rules and regulations. The Building Department aims to be helpful to all applicants, however, by signing below, it does not in any manner guarantee that all necessary information was provided at this time to the Applicant(s) in order to ensure lawful business operation at this location.

Signed: _____ Date: _____

2. BOARD OF HEALTH

The Applicant for this Business Certificate appeared at the Board of Health and received some information about laws, bylaws, rules and regulations that may be applicable to the business and some instruction concerning how to (1) obtain more information; and/or (2) comply with those laws, bylaws, rules and regulations. The Health Department aims to be helpful to all applicants, however, by signing below, it does not in any manner guarantee that all necessary information was provided at this time to the Applicant(s) in order to ensure lawful business operation at this location.

Signed: _____ Date: _____

3. ZONING ENFORCEMENT OFFICER

The Applicant for this Business Certificate appeared at the office of the Zoning Enforcement officer and received some information about laws, bylaws, rules and regulations that may be applicable to the business and some instruction concerning how to (1) obtain more information; and/or (2) comply with those laws, bylaws, rules and regulations. The Zoning Enforcement officer aims to be helpful to all applicants, however, by signing below, it does not in any manner guarantee that all necessary information was provided at this time to the Applicant(s) in order to ensure lawful business operation at this location.

Signed: _____ Date: _____

4. TOWN MANAGER/SELECT BOARD

The Applicant for this Business Certificate appeared at the office of the Board of Selectmen and received some information about laws, bylaws, rules and regulations that may be applicable to the business and some instruction concerning how to (1) obtain more information; and/or (2) comply with those laws, bylaws, rules and regulations. The Board of Selectmen aims to be helpful to all applicants, however, by signing below, it does not in any manner guarantee that all necessary information was provided at this time to the Applicant(s) in order to ensure lawful business operation at this location.

Signed: _____ Date: _____