

## **Town of Merrimac DBA Business Certificate**

### **Procedure:**

- Complete Business Certificate Filing Form
- Meet with Building Inspector (978-346-0525)
- Meet with Board of Health if necessary (978-346-4066)
- Bring signed Filing Form to Town Clerk's Office with payment of \$25.00
- Business Certificate Certified by Town Clerk.
- Applicant must READ Attestation and have notarized if services not provided by Town Clerk.

**OFFICE OF THE TOWN CLERK**  
2 School Street, Merrimac, MA 01860  
978-346-8013

Board of Health

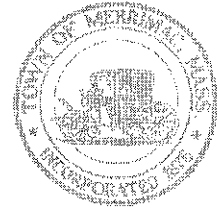
Inspectional Services

**Commonwealth of Massachusetts**

**TOWN OF MERRIMAC**

**BUSINESS CERTIFICATE**

**APPLICATION**



NEW

RENEWAL

In conformity with the provisions of Chapter 110, §5 of the General Laws, as amended, the undersigned hereby declare(s) that a business is conducted under the title of:

\_\_\_\_\_ (Business Name)

\_\_\_\_\_ (Business Address) \_\_\_\_\_ (Phone number)

\_\_\_\_\_ (Description of Business or Service) \_\_\_\_\_ (Email address)

By the following named person(s): *(Include corporate name and title of corporate officer if applicable)*

Owner(s) full name:

Owner(s) Residence and Mailing Address:

\_\_\_\_\_

\_\_\_\_\_

**Signature(s)-REQUIRED: Sign only in the presence of the Town Clerk or Notary Public**

\_\_\_\_\_

On \_\_\_\_\_ the above named person(s) personally appeared before me and made oath that the foregoing statement is true and provided the following identification:

Driver's License/Other: \_\_\_\_\_ State of: \_\_\_\_\_

*(Notary Seal or Town Seal)*  
Town Clerk/Notary Public

\_\_\_\_\_  
Notary Commission

\_\_\_\_\_  
Expiration Date

Approval of Building Inspector/Zoning Enforcement: \_\_\_\_\_

Approval of Board of Health Agent \_\_\_\_\_

Restrictions: \_\_\_\_\_

Certificate Expires: \_\_\_\_\_

***The signatories above acknowledge this certificate is not proof of conformity to Zoning or other Town of Merrimac Bylaws and Regulations, nor is it a license to conduct business in the Town of Merrimac. It is the responsibility of the applicant to contact the appropriate authority in order to ensure compliance.***

In accordance with the provisions of Chapter 337 of the Acts of 1985 and Chapter 110, §5 of Massachusetts General Law, Business Certificates shall be in effect for four years from the date of issue and shall be renewed each four years thereafter. A statement under oath must be filed with the Town Clerk upon discontinuance, retire or withdrawing from such business or partnership. 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 are subject to a fine of not more than three-hundred dollars (\$300) for each month during which such violation continues.

## **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, sec.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 must obtain 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 a person or of the location where the business is conducted, such form must be 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 a business.

## 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.