# Instructions for Filing a Business Certificate in Newton, MA

Required by Massachusetts General Law

1. Please complete all forms in black ink or with a typewriter. Information must be legible.

2. Complete the Business Certificate Application. This form must include the full name and address of each owner conducting the business, and must be signed by each owner in the presence of a notary public (Notaries Public are available in the City Clerk's Office). All addresses must be complete with street and number to comply with Chapter 110, Section 5 of the Massachusetts General Law. Post Office Box addresses are not acceptable.

3. Before submitting the Business Certificate application to the City Clerk, it must be signed by the Inspectional Services Department, which is located on the second floor of City Hall. This is to verify zoning requirements.

   3a. If your business is located in a residence, the owner(s) must complete a Home Business/Office Affidavit, bring it in person to City Hall, and have it approved by the Inspectional Services Department, located on the second floor of City Hall. See the attached form for more information on the types of businesses allowed in a residence.

4. It is the responsibility of the business owner(s) to check with the Corporations Office in Boston to verify that you are not using a corporate name that is protected in the State of Massachusetts. Their telephone number is 617-727-2850.

5. Corporations must file a Business Certificate if doing business under a name other than its corporate name. The name of the corporation and the corporate address should be listed where the form asks for "full name and address of each person conducting such business". The owner of the corporation must sign the form.

6. Filing Fee (please make payable to the City of Newton)

   $35.00 includes a certified copy.

7. Any change in a Business Certificate must be recorded in the City Clerk's Office by filing the appropriate form. These forms are available in the City Clerk's Office or on the City's website at: www.ci.newton.ma.us/city%20clerk/index.htm

   <u>Discontinuance:</u> The information on this form must be the same as it was on the original business certificate. If there has been a change of address since the business certificate was filed, and no amendment to change the address was filed, the old and present address should be written on the discontinuance form so that the records will agree.
   Filing Fee $10.00

   <u>Amendment:</u> To be filed for change of the business name or address.
   Filing Fee: $10.00

   <u>Withdrawl from Partnership</u>:
   Filing Fee: $10.00

If you have any questions regarding filing a Business Certificate, please call the City Clerk's Office at 617-796-1200.

Revised September 16, 2014

Commonwealth of Massachusetts
City of Newton

# Business Certificate

In conformity with the Provisions of Massachusetts General Law Chapter 110, Section 5, the undersigned hereby declare that a business is being conducted under the name of:

Business Name:_____

Proposed Use (please describe):_____

_____

Location of Business: _____

The full name and address of each person conducting such business:

1. _____
   Name Address Signed

2. _____
   Name Address Signed

3. _____
   Name Address Signed

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On _____ the above named person(s) personally appeared before me and made oath that the foregoing statement is true.

(seal)

_____ My Commission Expires:_____
Notary Public

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Under the provisions of Chapter 337 of the Acts of 1985 and Chapter 110, Section 5 of the Mass. General Laws, 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 City Clerk upon discontinuance or withdrawing from such business or partnership. Copies of such certificates shall be available at the address such business is conducted and shall be furnished upon 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, ($300.00) for each month during which such violation occurs.

This certificates expires:_____
Date

***The issuance of this Business Certificate does not imply that all relevant licenses required to legally operate this business have been obtained or are current. This certificate only records that a business is being conducted.***

Revised May 24, 2013

If the proposed business is to be located in a residence, you must file a "Home Business Affidavit" with the Inspectional Services Department thereby acknowledging compliance with Newton's Home Business Ordinance.

I hereby certify that this business address is in the following zoning district, and is an allowed use in accordance with the revised zoning ordinances of the City of Newton.

Zoning District: _____

Attest: _____
Inspectional Services Department Official

Received in the City Clerk's Office

Date: _____Time: _____

Book: _____Page: _____

And entered in the records of business titles in the City Clerk's Office in the City of Newton.

_____
Newton City Clerk

City of Newton

Setti D. Warren
Mayor

# Inspectional Services Department

John D. Lojek, Commissioner
1000 Commonwealth Avenue
Newton Centre, MA 02459-1449
Telephone: (617) 796-1060
Fax: (617) 796-1086
www.ci.newton.ma.us

Building/Zoning Inspectors
(617) 796-1060
Zoning Board of Appeals
(617) 796-1060
Plumbing and Gas Division
(617) 796-1070
Electrical Division
(617) 796-1075
TDD/TTY: (617) 796-1089

## HOME BUSINESS/OFFICE AFFIDAVIT

**ADDRESS:** _____

**BUSINESS OWNER'S NAME:** _____

**PHONE:** _____ **EMAIL:** _____

□ Please check the box if you are renting/leasing at the above address. (See back of form)

A home business or office is any commercial activity conducted within a dwelling unit by the residents thereof as an accessory use to the residential use of the dwelling unit, provided that no sale of merchandise, whether retail or wholesale, takes place on the premises, except as expressly provided below.

The term "**home business**" shall include but is not limited to, the studio of an artist, musician, photographer or writer; small group or individual instruction or tutoring; tailoring; millinery; crafts; word processing; computer software development; telephone solicitation; a manicurist; an office of a sales or manufacturer representative; and an office of a physician, dentist, lawyer, architect, registered engineer, accountant, psychologist, social worker or other professionals.

The term "**home business**" shall not include the following: a clothing rental business; a barber shop; a hairdresser; a restaurant; a repair shop, whether for small appliances or otherwise; a real estate broker; an orchestra or an instrumental music group; an antique shop; an animal hospital; or businesses similar to those enumerated.

A single home business per dwelling unit shall be permitted as an accessory use so long as such home business does not violate any of the following conditions:

1. The home business shall be clearly incidental and secondary to the use of the dwelling as a residence, shall be located within the dwelling unit, and shall not change the residential character thereof;

2. Irrespective of the location of the home business within the dwelling unit, the total area of the dwelling unit utilized for the home business shall not exceed thirty percent (30%) of the ground floor area of the dwelling unit or thirty percent (30%) of the gross floor area of an individual apartment if the dwelling unit is located in a multi family dwelling;

3. Not more than one (1) nonresident shall be employed in a secretarial or like position in a home business, except that a physician or dentist may employ one (1) technician in a capacity supportive of the practice of the resident professional in addition to one (1) secretary; Not more than three (3) customers, pupils or patients for business or instruction shall be present at any one time;

(OVER)



*Strict code enforcement makes the city safer*
*Before buying, renting or leasing check zoning*

4. There shall be no on-premise storage of merchandise for sale in any instance where the home business is primarily a direct mail-order or telephone-order business, except in instances where the merchandise for sale is produced entirely on the premises;

5. There shall be no exterior display or exterior storage of merchandise, and no exterior indication of the home business other than one (1) non-illuminated identification sign not to exceed one (1) square feet in area;

6. There shall be no retail or wholesale sale of merchandise on the premises;

7. The home business shall not produce noise, vibration, glare, fumes, odors, electrical interference or traffic congestion beyond that which normally occurs in the immediate residential area, nor shall the home business result in the repeated disruption of the peace, tranquility, or safety of the immediate residential neighborhood;

8. In addition to the parking required for the residential use of a dwelling unit, off street parking shall be provided as follows: one (1) parking stall for each two hundred (200) square feet, or fraction thereof, of floor area used for the home business. If more than one (1) parking stall is required for the home business, the total number of parking stalls required shall be reduced by one (1) stall;

9. In any single family dwelling which has an authorized accessory apartment there shall be no more than one (1) home business, which shall be located in the principal dwelling unit.

**Describe the intended business or office use:** _____

_____

_____

I hereby certify that my Home Business or Office described above does and will conform to the above regulations.

SIGNATURE OF BUSINESS OWNER _____ DATE _____

I hereby certify that as the homeowner I have been informed of the Home Business or Office as described above.

SIGNATURE OF HOME OWNER _____ DATE _____

ISD OFFICIAL _____ DATE _____

HEALTH DEPARTMENT (IF APPLICABLE) _____ DATE _____

(City of Newton Revised Ordinance 1984, Section 30-8(c) as amended, Revised 10/30/96, HAH)



*Strict code enforcement makes the city safer*
*Before buying, renting or leasing check zoning*

Commonwealth of Massachusetts
City of Newton

# Statement of Discontinuance, Withdrawal from, or Deceased from Business or Partnership

In conformity with the Provisions of Massachusetts General Law Chapter 110, Section 5, the undersigned hereby declare that the individual(s) listed below is(are) deceased ❑ , retired from ❑ or withdrawn from ❑ the following business; or the business has been discontinued ❑

Business Name:_____

Location of Business: _____
*(street address as it appears on the Business Certificate)*

as set forth in the certificate filed in the City Clerk's Office on:_____Book:_____Page:_____
(*date of filing)*

The full name and address of each person conducting such business:

1. _____
Name Address Signed

2. _____
Name Address Signed

3. _____
Name Address Signed

_____
Signature of Executor/Administrator of Estate if Deceased

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On _____ the above named person(s) personally appeared before me and made oath that the foregoing statement is true.

(seal)

_____ My Commission Expires:_____
Notary Public

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This business was discontinued on:_____
Date

Commonwealth of Massachusetts
City of Newton

# Statement of Change of Name or Location of Business, or Change of Owner Residence

## Change of Name or Location

In conformity with the Provisions of Massachusetts General Law Chapter 110, Section 5, the undersigned hereby declare that the location of the business as it appears on the Business Certificate of:

Business Name:_____

Location of Business: _____
*(street address as it appears on the Business Certificate)*

as set forth in the certificate filed in the City Clerk's Office on:_____Book:_____Page:_____
(*date of filing)*

has changed to (New Name or Location): _____
(*for new locations the Inspectional Services Certification on the back of this form must be completed.*

_____
Name Address Signed

## Change of Residence

In conformity with the Provisions of Massachusetts General Law Chapter 110, Section 5, the undersigned hereby declare that their residence as it appears on the Business Certificate of:

Business Name:_____

as set forth in the certificate filed in the City Clerk's Office on:_____Book:_____Page:_____
(*date of filing)*

Has changed to:

_____
Name Address Signed

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On _____ the above named person(s) personally appeared before me and made oath that the foregoing statement is true.

(seal)

_____ My Commission Expires:_____
Notary Public

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This location or residence was changed on:_____
Date

If the proposed business is to be located in a residence, you must file a "Home Business Affidavit" with the Inspectional Services Department thereby acknowledging compliance with Newton's Home Business Ordinance.

I hereby certify that this business address is in the following zoning district, and is an allowed use in accordance with the revised zoning ordinances of the City of Newton.

Zoning District: _____

Attest: _____
Inspectional Services Department Official

Received in the City Clerk's Office

Date: _____Time: _____

Book: _____Page: _____

And entered in the records of business titles in the City Clerk's Office in the City of Newton.

_____
Newton City Clerk

**ATTENTION BUSINESS OWNERS:**

By filing a DBA your business will most likely be liable for personal property taxes and possibly commercial real estate taxes payable to the City of Newton.

If your business is being conducted in a residential property, that portion of the property that is being used for the commercial business may be charged real estate taxes at the commercial rate.

Personal property is "tangible" property. That means that the property physically exists. Personal property is assets, goods and material objects used in the conduct of a business and is assessed separately from real estate.

The assessment date is January 1 of each year. Any business that existed on that date is subject to personal property tax and will be billed for the entire fiscal year. This applies to businesses that have closed or relocated after the assessment date. Personal property tax is not prorated per Massachusetts General Law.

The state requires that all proprietors, partnerships, associations, trusts and corporations file a Form of List (State Tax Form 2) declaring items as personal property as of January 1 each calendar year.

The return is to be filed with the local Board of Assessors each year before March 1 to assist the Assessors in determining the fair market value of the taxable personal property. If the property has no permanent location it must be listed with the assessors in the city or town where you are domiciled (legal place of residence).

The following summarizes personal property that must be listed on a Form of List:

Individuals (Sole Proprietorship & Partnerships)

1. Business furniture & furnishings
2. Business machinery and equipment
3. Business inventory, the dollar amount of "stock in trade" that the business carries on January 1.

Business Corporations

1. Business corporations are taxable on all machinery and equipment used in the conduct of business.
2. Furniture and inventory are exempt from taxation for all registered business corporations.
3. Leased equipment may be exempt based upon the structure of the lease.

Please visit the City of Newton web site:
http://www.newtonma.gov/gov/assessor/persproptax.asp for more detailed information regarding business personal property as some exceptions do apply.