

**CITY OF GARDNER**  
**BUSINESS CERTIFICATE FILING INFORMATION**

**PURPOSE FOR CONSUMER PROTECTION**

The purpose of a Business Certificate is for information and protection of creditors with whom traders contract under artificial description which, in absence of such certificate, might enable actual or responsible debtor for want of identification to escape liability. *Shane v. Goldstein (App. Div. 1962) 25 Mass.App.Dec.5.*

- Before a Business Certificate is issued by the City Clerk, a written Zoning Determination from the Building Commissioner/Zoning Enforcement Officer is required. This serves to inform the business entity of any restrictions on their activity at the business location.
- A Business Certificate is not a license to operate a business, but merely a public filing of the name by which the entity is conducting a business, or “doing business as”.

**A Business Certificate must always be filed by:**

1. Any person who conducts a business under any title other than his or her real name, whether individually, or as a partnership.

**A Business Certificate does not have to be filed in any of the following circumstances:**

1. If a **Corporation** is doing business under its true corporate name (Ex. ABC Company, Inc. is registered or qualified with the Secretary of State under the corporate name “ABC Company, Inc.” and advertises its business under that name).
2. If a **Partnership** is doing business under any title which includes the true surname of any partner (Ex. John Doe & Mary Smith operate a business selling flags and the business/store name is Smith Flags, Smith & Doe, or Doe & Smith).
3. If an **Association** complies with G.L. c.159, §§5, 6 (Common Carriers -- Foreign Express businesses).
4. If a **Partnership, Joint Stock Company or Association** whose business is conducted by trustees under a written instrument or declaration of trust, provided that the names of the trustees with a reference to the instrument or declaration of trust is filed as provided in §5.
5. Is a **Limited Partnership** organized or qualified under G.L. c. 109 (“Limited Partnership”) and doing business under its true partnership name if the name contains without abbreviation the words “**Limited Partnership**”.
6. A **Limited Liability Company (“LLC”)** or **Limited Liability Partnership (“LLP”)** which is doing business under its true name and which has registered or qualified with the Secretary of State.

## FILING PROCEDURE

1. The Business Certificate is executed under oath by each person whose name appears as conducting the business and must be signed by each person in the presence of the City Clerk or authorized person (i.e. Notary Public).
2. The City Clerk may request the person filing a certificate to produce identification.
3. The City Clerk retains the original Filing and a copy with the City Seal embossed is provided to the Business filer.
4. A person who has filed a Business Certificate (and is active) must file an Amendment, under oath, under the following circumstances:
  - The Business is discontinued
  - Retirement of any person named on the Business Certificate
  - Withdrawal from the business or partnership
  - Change of Residence of individual or partner
  - Change of business location
  - In the case of death of individual or partner, a statement may be filed by the executor or administrator of the estate.
5. A new Business Certificate filing is required if the business changes its name.
6. A Business Certificate shall be in effect for 4 years from the date of issue.
7. A Business Certificate shall be renewed each four years thereafter so long as the business is being conducted and shall lapse and be void unless renewed.
8. A Business Certificate shall be available at the address at which the business is conducted.
9. A Business Certificate shall be furnished on request during regular business hours, to any person who has purchased goods or services from a business.
10. Violations shall be punished by a fine of not more than \$300 for each month during which the violation continues.