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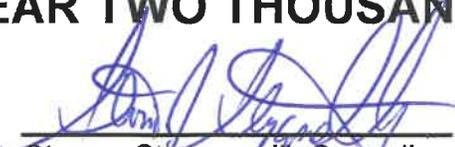
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CITY OF AMESBURY, MA



**CITY OF AMESBURY
IN THE YEAR TWO THOUSAND TWENTY-ONE**

SPONSORED BY:


Steven Stanganelli, Councilor-at-Large

BILL No. 2021-110


Adrienne Lennon, Councilor-at-Large


Anthony Rinaldi, District 2 Councilor

An Ordinance to Establish a Process for Licensing Business Activities

Summary:

An Ordinance to establish enabling legislation to regulate businesses operating in the City of Amesbury and their fictitious names

Whereas, M.G.L. Chapter 110, Section 5 requires that any person conducting business in the Commonwealth under any title other than the real name of the person conducting such business shall file for a certificate to conduct business; and

Whereas, the City of Amesbury has not had a clear licensing process for business applicants; and

Whereas, economic development may be promoted by having a more-streamlined process with a definition of fees and permit or license schedules; and

Whereas, the City Clerk has identified the need to revamp the licensing process to make it more efficient for staff time;

so therefore,

Be it Ordered by the City Council of the City of Amesbury assembled and by the authority of the same, as follows:

That the City of Amesbury shall adopt an Ordinance to provide for the licensing of business activities based in Amesbury and to authorize the establishment of licensing fees for such businesses.

Section 1. Licensing of Business Activities

Any person or persons operating a business located in Amesbury shall be required to obtain the appropriate licenses upon establishment or prior to activity.

Businesses shall apply for the appropriate licenses through the Office of the City Clerk using the applicable applications developed by the Clerk.

The Required Licenses issued by the City Clerk's office, for the City are as follows:

- Auctioneer
- Auto Amusements – Class I, II, and III
- Auto Dealer
- Common Victuallers including restaurants and food preparation (in home or at a food manufacturing space)
- Dine, Dance, and Entertainment
- Fortune Teller
- Inn Holder
- Junk Dealer/Antiques/Second-Hand Goods
- Raffles and Bazaars
- Storage License
- Sunday Jukebox
- Sunday Pool and Bowling/Weekday Pool and Bowling
- Transient Vendor/Hawker/Peddler including door-to-door solicitations
- Any other business or activity that may be added as an amendment to this Ordinance.

Businesses that are regulated by a state or federal entity shall provide evidence of such registration.

Business applicants shall show evidence of applicable Workers' Compensation insurance or file a completed Workers' Compensation Insurance Affidavit as provided by the Commonwealth of Massachusetts Department of Industrial Accidents.

Any person or entity operating a business shall be required to obtain a "Doing Business As" (DBA) Certificate. This certificate shall be valid for a four-year period or any part thereof beginning in January 2022. All certificates shall be subject to renewal on January 1 of every fourth year after the initial start date adopted by this measure, or, if a current DBA has been issued prior to this implementation date, the DBA will expire upon the date noted on the currently issued certificate and renewed according to the new schedule thereafter.

The DBA Certificate shall be a nonrefundable fee of \$40 for any business or entity on the Required License list above. For all other businesses or entities which are not on the Required License list above (as may be amended), the non-refundable DBA Certificate fee is \$100. These non-refundable fees cover a four-year term or any part thereof.

All other licenses shall be renewed annually and accompanied by their usual fees which can be located in the City's fee schedule and may be amended from time to time.

Section 2. Exemptions

Any person who, at the time such services or goods are provided, is a minor under the age of 17 shall be exempt from the terms and fees noted in this Ordinance.

Any person selling personal items on an occasional and non-recurring basis on their personal premises or through social media shall be exempt from the terms and fees noted in this Ordinance.

Section 3. Enforcement and Fines

Individuals and entities found to not be in compliance shall be assessed a late fee of \$50 per year up to a maximum of five years (or \$250). The City Clerk shall inform Inspectional Services, the Amesbury Police Department, and any other department with oversight of such business activities. The individual or entity shall be prohibited from continuing such business activity until a new license application and fee have been processed and late fees paid. The City Clerk and/or the licensing authority may rely on information from public sources, complaints filed with the Clerk, or from research from resources deemed to be reliable as evidence of business activity including advertising or promotional activities by the unlicensed business or individual.

Section 4. Special Event or Seasonal Permits

Any business or entity operating a seasonal or special event in the City of Amesbury shall be required to file for a Special Event Permit with the Recreation Department or any other department that may be designated by the Mayor.

Section 5. Use of Funds Collected

Ten percent of all fees collected from businesses or entities defined in Section 1 shall be assigned to the Amesbury Housing Trust.

Ten percent of all fees collected from businesses or entities defined in Section 1 shall be dedicated for use by the Office of Community and Economic Development for programs, initiatives, or marketing designed to promote or assist Amesbury businesses and the general business environment.

Research Resources:

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXV/Chapter110/Section5>