



OBTAINING A NEW BUSINESS LICENSE INSTRUCTIONS/CHECKLIST

<i>Set Up Your Business and Provide Applicable Documents or Information</i>
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You will need to provide the start date of your business: _____.

Types of business entities:

- **For Corporation or LLC (limited liability company):**
 - File formation documents with State Corporation Commission online at www.scc.virginia.gov or at 804-371-9733.
 - Obtain a federal Employer Identification Number (EIN) from IRS – if applying online, you can get your EIN immediately upon completion & validation at www.irs.gov or call 1-800-829-4933.
- **For Sole Proprietorship / Sole Owner:**
 - If not using your legal name for the business, file “Certificate of Assumed or Fictitious Name” and pay filing fee with the Clerk of the Circuit Court (540-667-5770) (see further explanation below) – application form at <http://www.winfredclerk.com/> and provide us a copy.
 - Provide proof of citizenship, such as a copy of your valid Virginia driver's license or other proof of legal residence in the US.
 - May want to obtain a federal Employer Identification Number (EIN) from IRS – if applying online, you can get your EIN immediately upon completion & validation at www.irs.gov or call 1-800-829-4933.
- **For Partnership:**
 - Provide Partnership Agreement Certificate with seal stamped on it – form available from Clerk of the Circuit Court or State Corporation Commission.
 - Obtain a federal Employer Identification Number (EIN) from IRS – if applying online, you can get your EIN immediately upon completion & validation at www.irs.gov or call 1-800-829-4933.
- **Foreign Business Entity:**
 - A foreign business entity is a business trust, corporation, general partnership, limited liability company or limited partnership that has been incorporated, organized, or formed under the laws of a state or jurisdiction other than Virginia (e.g., West Virginia, Maryland, Delaware etc.).
 - A “foreign” business entity may not transact business in Virginia until it obtains a certificate of authority or certificate of registration from the State Corporation Commission.
 - When a foreign business entity “registers” with the Commission, it obtains a certificate of authority or registration to transact business in Virginia but remains incorporated, organized or formed under the laws of the foreign jurisdiction after registering in Virginia.
 - Certain limited business activities, however, are specifically excluded from the definition of “transacting business.”
 - File an application with State Corporation Commission online or obtain additional info at www.scc.virginia.gov or at (804) 371-9733.

The legal name of a business is the name of the person or entity that owns the business.

- **Sole Owner/Sole Proprietorship** = legal name of the individual
- **Partnership** = name given in the partnership agreement
- **Corporation/LLC/Business Trust** = name that is registered with the State Corporation Commission

A fictitious or assumed name is a name that a person (individual or business entity) uses instead of the person's legal name. Businesses must register or file their fictitious name to prevent customer confusion between two local businesses that use the same name and to provide the name and contact information of the owner. Per the Code of Virginia, no person, partnership, limited liability company or corporation can conduct or transact business under any assumed or fictitious name unless it signs and acknowledges a certificate setting forth the name under which the business is to be conducted or transacted, with the respective post office and residence addresses, and files the certificate in the Frederick County Office of the Clerk of the Circuit Court.

All applicants who will be engaged in retail sales are required to register with the VA Department of Taxation to obtain a **Sales & Use Tax ID No.** Forms are available from Commissioner's office or:

VA Department of Taxation - Sales & Use Tax Division
PO Box 1115, Richmond VA 23218-1115
www.tax.virginia.gov / 804-367-8037

For additional help in setting up your business, you can contact:

Lord Fairfax Small Business Development Center
173 Skirmisher Lane
Middletown VA 22645
540-868-7093
www.lfsbdc.org

Complete and Submit the Zoning Review Form

Properties are zoned for different uses. A specific use of your property may not be allowed in the zoning ordinances. Complete the "Zoning Review Form – Home-Based Business/Home Occupation" or "Zoning Review Form – Commercial/Industrial Business" -- available *online* or in *printable* form at www.fcva.us/biztax or www.fcva.us/planning. If not filing *online*, form must be taken to Frederick County Department of Planning & Development (540-665-5651) for approval.

Determine Which Business Category is Applicable

Seven basic categories into which businesses fall are:

- Retail Sales
- Contractors, Builders & Developers
- Services (Repair, Personal, Business etc.)
- Services (Professional, Financial, Real Estate, Medical etc.)
- Wholesale Merchants
- Miscellaneous (see list)

For more information, see Business Classification Information.

Complete and Submit the Application Form including Provide Estimated Gross Receipts

- "Registration For New Business" is available *online* or *printable* form at www.fcva.us/biztax. Tax rates vary according to business category and are calculated based on gross receipts (estimated for first year) or fixed fees. For more information, see "Business License Rates & Fees" attached.

ADDITIONAL DOCUMENTS FOR CONTRACTORS ONLY TO PROVIDE

- "Contractor Certificate of Workers' Compensation Liability Insurance" (Form 61-A) must be filed annually **(even if no insurance is required)** and is available *online* or in *printable* form at www.fcva.us/biztax.
- Copy of VA State Contractor's License and Tradesmen License or licensing information (forms available *online* or in *printable* form at www.fcva.us/biztax. Provide new expiration date when applicable. More info at:

VA Board for Contractors
3600 West Broad Street
Richmond VA 23230
804.367.8511

- OR -

- If you are not subject to licensure/certification as a contractor/subcontractor pursuant to Chapter 54.1-1111 of the Code of Virginia, you will need to provide a signed and notarized "Written Statement And Affidavit of Contractor" to that effect (available in *printable* form at www.fcva.us/biztax).
- List of Subcontractors Form (if applicable and ongoing).

Pay for Business License

- Pay *online* at www.fredtax.com.
- Pay *in person* at the Treasurer's office: 107 N. Kent Street.
- Pay *by mail* -- make check payable to: "Frederick County Treasurer" and send to: Frederick County Treasurer, PO Box 220, Winchester VA 22604-0220.

Receive Business License and Post in a conspicuous place on the premises

File Business License Renewal Application Annually

- Renew **BY MARCH 1** *online* at www.fcva.us/biztax.
- Pay for renewal **BY APRIL 1** *online* at www.fredtax.com or see above for other options.

File Return of Tangible Personal Property Annually:

- Return of Tangible Personal Property – Business Equipment (Form 762B)
- Return of Tangible Personal Property – Manufacturer (Machinery & Tools) (Form 762M)
- Return of Tangible Personal Property – Processors (Form 762P)

Return of Tangible Personal Property must be filed annually (**even if no change**) and is **DUE BY MARCH 1**. It can be filed online via our website at www.fcva.us/biztax. A detailed listing of such equipment or furnishings can be sent via email to mprice@fcva.us. The listing must include the date of purchase, description of the item, and the original cost. Taxpayers who do not have business personal property to report must still file a return, entering "NONE," and providing an explanation as to how the business is operated without the use of tangible property.

Please note that once your Business Tangible Personal Property tax return is filed online, all of the information on your filing (contact, address, list of owned personal property etc.) will automatically appear the next year as previously provided. You would then only need to review the information and make any necessary changes or leave it as is if it remains the same and simply follow the prompts until you submit it.

ADDITIONAL FILINGS FOR OTHER SPECIFIC BUSINESSES TO PROVIDE

CONSUMER BUSINESSES (Meals / Lodging)

- Consumer Business (Meals / Lodging) Tax Registration Form
- Consumer Tax (Meals / Lodging) Monthly Tax Return

SHORT-TERM RENTAL PROPERTY BUSINESSES

- Application for Certificate of Registration (annually)
- Short-Term Rental Property Quarterly Tax Return

Report All Changes / Closing

Any changes to your business must be reported to COR. *Examples of changes:* Closing, entity type change (e.g., from Partnership to a Sole Proprietor); trade name; EIN; contact person; contact info (mailing address, phone no., email); new location, business category.

***** IF YOU NEED ASSISTANCE AT ANY TIME DURING THE PROCESS, PLEASE CONTACT US. *****

Bev Rosato	brosato@fcva.us	(540) 722-8336
Heidi Largent	hlargent@fcva.us	(540) 722-8329
Leighann Miller	lmiller@fcva.us	(540) 722-8328
Maria Price	mprice@fcva.us	(540) 722-8393

Mailing Address:
Commissioner of the Revenue
PO Box 552
Winchester VA 22604-0552

Telephone: 540-665-5681

Website: www.fcva.us/cor

Physical Address:
Commissioner of the Revenue
107 North Kent Street
Winchester VA 22601

Fax: 540-667-6487

www.fcva.us/biztax

Commissioner of the Revenue

www.fcva.us/biztax

BUSINESS LICENSE RATES AND FEES

Based on Gross Receipts

GROSS RECEIPTS UNDER \$100,000.00 (Fixed Fee)	
Amount of Gross Receipts	Fixed Fee
Under \$4,000.00*	\$0.00
\$4,000.00 - \$14,999.99	\$30.00 fixed fee
\$15,000.00 - \$99,999.99	\$50.00 fixed fee
\$100,000.00 or more	(See table below.)

*Renewal Form and Form 762B still required.

GROSS RECEIPTS OF \$100,000.00 OR MORE (Calculation of Rate [according to Business Category] multiplied by Total Gross Receipts)		
Business Category	Amount of Gross Receipts	Rate Per \$100.00 of Gross Receipts
Wholesale Merchant (report gross purchases)	\$100,000.00 or more	\$.05 (.0005) x Total Gross Receipts
Contractors, Builders & Developers	\$100,000.00 or more	\$.16 (.0016) x Total Gross Receipts
Retail Merchant	\$100,000.00 or more	\$.20 (.0020) x Total Gross Receipts
Business, Personal & Repair Services	\$100,000.00 or more	\$.36 (.0036) x Total Gross Receipts
Professional, Financial & Real Estate Services	\$100,000.00 or more	\$.58 (.0058) x Total Gross Receipts

OTHER FLAT RATES		
Business Category	Rate (per year unless otherwise specified)	
Distiller's License, Winery License, or Brewery License	\$500	
Bottler's License	\$150	
Wholesale Beer and Wine License	\$200	
Beer On, Beer Off, Wine On, Wine Off	\$20 each	
Mixed Beverages	<i>Seating Capacity:</i>	
	50-100	\$100 plus gross receipts
	101-150	\$150 plus gross receipts
	151 and over	\$200 plus gross receipts
Private Non-Profit Club Operating a Restaurant	\$200 plus gross receipts	
Amusement Machine Operator	\$10 per machine for less than 10 machines plus \$.20/\$100 gross receipts \$100 for 10 or more machines	
Fortune Teller, Clairvoyant, Phrenologist, Spirit Medium, Astrologer, Hypnotist, or Palmist	\$1,000	
Itinerant Merchant	\$500	
Claims Adjuster, Savings & Loan Association, and Credit Union	\$100	
Gasoline and Oil Sales and Distribution	\$100 per vehicle	
Carnival, Circus, and Speedway	\$500 per performance	
Massage Parlor	\$200	
Coliseum, Arena, and Auditorium	\$1,000	
Junk Dealer & Precious Metals Dealer	(same as retailer)	
Transient Bankrupt and Trustee Sales	\$500	
Photographer (out of State)	\$30	

This list is NOT all-inclusive. Please contact Commissioner of Revenue at 722-8335 for additional categories and rates.