



MADISON COUNTY CLERK'S OFFICE
Linda A. Andreas, County Clerk & Recorder

P. O. BOX 218 – 157 N. MAIN STREET STE 109
EDWARDSVILLE, IL. 62025
PHONE (618) 692-6290 FAX (618) 692-8903

COUNTY VOTERS
REGISTRATION OFFICER
CLERK OF COUNTY BOARD

MEMO TO: PROSPECTIVE BUSINESS OWNER

FROM: LINDA A. ANDREAS

RE: ASSUMED NAME FILING

Enclosed is an Assumed Name Certificate form. Complete this form, and have the business owner(s) sign it before a Notary Public. In order to file a business name that is located in the “unincorporated” area of the county, you must complete the Home Occupation Assessment form. If you have any questions about the Home Occupation Assessment form, please contact the Planning & Development office (618) 296-4468. If your business is a Limited Liability Company (LLC), you must file first with the Secretary of State’s Office and have documentation when filing your assumed name.

Illinois State Law requires that a legal notice shall be published in a newspaper of general circulation within the county in which the Certificate is filed. Such notice shall be published once a week for three consecutive weeks.

An Assumed Name Publication Fees List for Madison County, which includes the newspapers and their fees for the three publications, is enclosed. Please advise us in which newspaper you wish to publish so that we can take care of the publications for you.

Your personal check or money order for both the filing fee of \$31.00 plus the publication fee should be made payable to Madison County Clerk. Please send your check and Assumed Name Certificate to Madison County Clerk, P. O. Box 218, Edwardsville, IL 62025.

jb

Enclosures

ASSUMED NAME CERTIFICATE

OFFICE USE ONLY

FILE NO _____

NEWSPAPER YOU WISH TO PUBLISH IN _____

THE UNDERSIGNED PERSON OR PERSONS DO HEREBY CERTIFY THAT OUR BUSINESS IS OR IS TO BE CONDUCTED OR TRANSACTED UNDER THE NAME OF

(NAME OF BUSINESS)

THAT ITS LOCATION IS OR WILL BE _____
(ADDRESS)

IN THE (CITY OR VILLAGE OF) _____

BUSINESS LOCATED IN UNINCORPORATED _____ OR INCORPORATED _____ AREA

ZONING BOARD SIGNATURE _____ (FOR UNINCORPORATED ONLY)

IN THE COUNTY OF MADISON, STATE OF ILLINOIS, AND THAT THE TRUE OR REAL FULL NAME OR NAMES OF THE PERSON OR PERSONS OWNING, CONDUCTING OR TRANSACTING THE SAME WITH THE POST OFFICE ADDRESS OR ADDRESS OF SAID PERSON OR PERSONS IS SHOWN AS BELOW:

(NAME) (ADDRESS) (CITY OR VILLAGE AND ZIP CODE)

(NAME) (ADDRESS) (CITY OR VILLAGE AND ZIP CODE)

(NAME) (ADDRESS) (CITY OR VILLAGE AND ZIP CODE)

(NAME) (ADDRESS) (CITY OR VILLAGE AND ZIP CODE)

DATED _____ PHONE _____

STATE OF _____)
) SS.
COUNTY OF _____)

PERSONALLY SIGNED BEFORE ME:

(SIGNATURE)

(SIGNATURE)

(SIGNATURE)

(SIGNATURE)

(SIGNATURE)

(SIGNATURE)

WHO DULY ACKNOWLEDGED THAT THEY EXECUTED THE ABOVE CERTIFICATE

DATED: _____

(NOTARY PUBLIC)



Madison County Government
Building & Zoning Department

Administrator Chris Douclevff
Madison County Administration Building
157 N. Main Street Suite 254 · Edwardsville, IL 62025-1964
Phone (618) 692-7040 ext. 4468
E-Mail zoning@co.madison.il.us

Kurt Prenzler, CPA
County Board Chairman

HOME OCCUPATION APPLICATION

NOTE: Complete application, site plan, drawings, and supplemental information are required at the time of submittal.

Site Information:

Site Address: _____ City: _____ Zip: _____

Parcel ID: _____ Township: _____

Zoning District: _____ Lot Size (acres): _____

Contact Information:

Applicant: _____ Contact Name: _____

Address: _____

Phone: _____ Fax: _____ Email: _____

If the applicant is not the property owner, permission from the owner must be provided below:

Property Owner: _____

Address: _____

Phone: _____ Fax: _____ Email: _____

Property Owner Signature: _____ Date: _____

Business Information:

Business Name: _____ Business Type: _____

Description of Business: _____

Location of Business on Property: _____ In Home _____ In Accessory Structure

Will customers visit the location? Yes No If yes, how many per day? _____

Will you have signage? Yes No If yes, provide the location, size, and sign type on site plan.

Will a vehicle be used in this business? Yes No If yes, indicate vehicle parking area on site plan.

Will the business have employees other than residents? Yes No If yes, how many? _____

Will there be deliveries? Yes No If yes, how often? _____

***NOTE:** Vehicles used for the business must be parking in an enclosed structure on the property.

Supplementary Information:

Hours and Days of Operation: _____

Employee Names and Relationships to Business Owner: _____

List any Mechanical or Electrical Equipment Needed for the Business: _____

List the Types of Deliveries: _____

Square Footage of the Area Used for the Home Occupation*: _____

Will there be any proposed remodeling or structural additions to the dwelling or accessory structure related to the home occupation? Yes No If yes, please describe: _____

***NOTE:** Home occupations located within the home cannot take up more than 25% of the floor area of the first floor of the home.

Home occupations located within an accessory structure cannot take up more than 300 square feet of the structure.

Review Process:

The proposed home occupation will be reviewed by the Planning & Development Department to ensure that the business will be in compliance with the Madison County Zoning Ordinance (§93.083 Home Occupations). Staff will determine if the proposed home occupation is a permitted accessory use or if a Special Use Permit is necessary.

Amendments:

Approval of a home occupation is valid for the use as submitted. Any future changes of ownerships or use of a home occupation or expansion of a home occupation that has previously been approved will require a new application, review, and approval in order to operate.

Authorized Signature:

I hereby certify that my business will continually conform to the standards of the Madison County Zoning Ordinance, to §93.083 Home Occupations, and to any conditions of approval attached to a Special Use Permit. I understand that the home occupation may be revoked at any time pursuant to any violation of the Madison County Code of Ordinances. I also understand that a Zoning Inspector may, with reasonable notice and during regular business hours, inspect my home occupation site to ensure compliance.

By signing this application, I hereby affirm that I have read and understand the Madison County Zoning Ordinance §93.083 Home Occupations and further affirm that the information provided in this application is correct and complete.

Print Name: _____ Signature: _____

Date: _____

For Office Use Only:

Review Date: _____ Approved: _____ Denied: _____

Zoning Administrator Signature: _____

Plot Plan

Please show the following items on the plot plan below:

- North arrow
- Sketch of property with dimensions and location of roadways (public and private)
- Home and all existing structures (show dimensions)
- Proposed location of the home occupation within the dwelling or accessory structure (show dimensions)
- If applicable, location of vehicle parking and equipment storage used for the home occupation (show dimensions)
- If applicable, location of signage for the home occupation (show dimensions and distances from property lines)
- If applicable, location of off-street parking area for customers

A large, empty rectangular box with a thin black border, intended for the user to draw the plot plan according to the instructions above.



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COUNTY VOTERS
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ASSUMED NAME FILING

GENERAL INFORMATION: All businesses, by Law, must have its names registered. Sole proprietorships and general partnerships must file with the county clerk's office. By registering your business name under the Assumed Business Name Act, does not prevent anyone from using your business name. The only way to prevent someone from using your business name is to file as a corporation or have a trademark for your name. Check the Fees Chart for filing and publication fees and the letter for specific filing instructions.

WHO MUST FILE: Anyone using a name (other than his/her own personal name, i.e. John Doe or Sally Smith) for his/her business. Note: By adding any word to your own personal name constitutes an assumed name (i.e. John Doe **Company** or Sally Smith **Computer Service**).

ZONING APPROVAL: Any new business located in an unincorporated area of Madison County needs Zoning Approval by the County's Planning and Development department

BUSINESS LICENSES: Check with the local city or village clerk's office for any licensing requirements.

EMPLOYMENT IDENTIFICATION NUMBER: Check with the Illinois Department of Revenue for specific requirements.

TAX INFORMATION: Check with the Illinois Department of Revenue for specific requirements.

**ASSUMED NAME PUBLICATION FEES
EFFECTIVE MARCH 22, 2021**

FILING FEE \$31.00

PLEASE SELECT ONE NEWSPAPER

| NEWSPAPERS IN MADISON COUNTY, IL | TOTAL AMOUNT FOR THREE PUBLICATIONS |
|-------------------------------------|--|
| EDWARDSVILLE INTELLIGENCER..... | \$90.50 |
| MADISON COUNTY CHRONICLE..... | \$15.00 |
| TIMES-TRIBUNE..... | \$25.00 |

**NOTE: APPLICANT CAN CHOOSE TO DEAL DIRECTLY WITH OTHER
NEWSPAPERS IN MADISON COUNTY**

FILING FEE
+ PUBLICATION FEE
= **TOTAL AMOUNT DUE**

MAKE CHECK PAYABLE TO MADISON COUNTY CLERK

ASSUMED NAME CONTACT NUMBERS

ATTORNEY GENERAL

METRO EAST REGIONAL OFFICE
201 W POINTE DR, SUITE 7
SWANSEA, IL 62221
GENERAL INFORMATION (618) 236-8616
CONSUMER FRAUD (SPRINGFIELD) (800)243-0618

BETTER BUSINESS BUREAU (SERVING SOUTHERN ILLINOIS)
ST LOUIS MO (314) 645-3300

CORPORATE AND/OR NON-PROFIT ORGANIZATIONS

REGISTERED AGENTS FILING (217) 782-6961
GENERAL INFORMATION (SPRINGFIELD) (217) 782-7880
ANNUAL REPORT FRANCHISE TAX (217) 782-7808
LLC BUSINESS SERVICES (217) 524-8008

DEPARTMENT OF GAME – BINGO, PULL-TAB AND OTHER GAMBLING
(217) 785-5864
(RAFFLES- CHECK WITH MUNICIPALITY)

IL BUSINESS GATEWAY/IL DEPARTMENT OF REVENUE (IDOR'S)

<https://pki.revenue.state.il.us/app/ibr/>

TO APPLY FOR AND RECEIVE YOUR STATE & FEDERAL IDENTIFICATION NUMBERS

IL DEPT. OF CHILDREN & FAMILY SERVICES

RESOURCE DEVELOPMENT & LICENSING
10251 LINCOLN TRAIL, FAIRVIEW HTS., IL
BABYSITTING AND DAYCARE LICENSES (618) 394-2100
ASK FOR "INTAKE WORKER" FOR LICENSED DAY CARE

IL DEPT OF PROFESSIONAL REGULATION

320 W WASHINGTON
SPRINGFIELD IL 62701
CONTRACTING, ROOFING & LICENSING (217) 785-0800
RIVERBOATS (217) 524-0226

SECRETARY OF STATE (800) 252-8980

SMALL BUSINESS ADMINISTRATION (WWW.SBA.GOV)

METRO ST LOUIS & SOUTHERN ILLINOIS (314)539-6600

SIUE – SMALL BUSINESS DEVELOPMENT CENTER (618) 650-2929

REVENUE DEPARTMENT

FAIRVIEW HEIGHTS (618)624-6773
TAX ID# INFORMATION (800) 829-1040

U.S. PATENTS & TRADEMARKS OFFICE WWW.USPTO.GOV

PO BOX 1450
ALEXANDRIA VA 22313-1450
(800) 786-9199
(703)308-4357

BUSINESS ORGANIZATIONS (805 ILCS 405/) Assumed Business Name Act.

(805 ILCS 405/0.01) (from Ch. 96, par. 3m)

Sec. 0.01. Short title. This Act may be cited as the Assumed Business Name Act.

(Source: P.A. 86-1324.)

(805 ILCS 405/1) (from Ch. 96, par. 4)

Sec. 1. Certificate; misrepresentation. No person or persons shall conduct or transact business in this State under an assumed name, or under any designation, name or style, corporate or otherwise, other than the real name or names of the individual or individuals conducting or transacting such business, unless such person or persons shall file in the office of the County Clerk of the County in which such person or persons conduct or transact or intend to conduct or transact such business, a certificate setting forth the name under which the business is, or is to be, conducted or transacted, and the true or real full name or names of the person or persons owning, conducting or transacting the same, with the post office address or addresses of such person or persons and every address where such business is, or is to be, conducted or transacted in the county. The certificate shall be executed and duly acknowledged by the person or persons so conducting or intending to conduct the business.

Notice of the filing of such certificate shall be published in a newspaper of general circulation published within the county in which the certificate is filed. Such notice shall be published once a week for 3 consecutive weeks. The first publication shall be within 15 days after the certificate is filed in the office of the County Clerk. Proof of publication shall be filed with the County Clerk within 50 days from the date of filing the certificate. Upon receiving proof of publication, the clerk shall issue a receipt to the person filing such certificate but no additional charge shall be assessed by the clerk for giving such receipt. Unless proof of publication is made to the clerk, the certificate of registration of the assumed name is void.

If any person changes his name or his residence address or the address of any place of business in the county where such assumed name is being employed after filing a certificate, or if the name of a person is added to any business organization for which a certificate is on file, such person shall file an additional, duly acknowledged certificate in the office of the County Clerk of the county in which such person transacts business under an assumed name. The certificate shall set out the change or addition as the case may be. Such certificate shall also set out the post office address of the person. If any business organization for which such certificate has been filed in any county of this State shall remove its place of business to another county in this State or shall establish an additional location for doing business in another county of this State, a certificate shall be filed in the office of the County Clerk of such other county and notice of the filing of such certificate of a change or addition of a name shall be

published and proof of publication made pursuant to the provisions of this section in the same manner as is provided for original certificates to do business under an assumed name.

A foreign person or foreign entity may not use an assumed or fictitious name in the conduct of its business to intentionally misrepresent the origin or location of the person or entity.

(Source: P.A. 91-906, eff. 1-1-01.)

(805 ILCS 405/1a)

Sec. 1a. Home-based businesses. A person conducting or transacting business under an assumed name at his or her personal residence may list the county clerk, along with the address of the county clerk, of the county of his or her personal residence as the default agent for service of process to meet the publication requirements of this Act if all of the following conditions are met:

(1) The person reasonably believes that publishing his or her home address would put his or her safety at risk and lists the reasons for that belief on the form submitted to the county clerk, which shall be kept confidential.

(2) The form is accompanied by a court order or police report.

(3) The person provides the address of his or her residence to the county clerk, which shall be kept confidential.

The county clerk has a duty to notify the business when the county clerk has been served with process on behalf of the business. The county clerk may charge a nominal fee for performing this service. The county clerk shall provide a check box on its form for a confidential address request and room for the explanation for the request.

(Source: P.A. 101-475, eff. 1-1-20.)

(805 ILCS 405/2) (from Ch. 96, par. 5)

Sec. 2. Persons conducting such business or any business under an assumed name who have prior to August 16, 1963 changed their names or whose names are additions to a business organization conducting business under an assumed name, for which a certificate has previously been filed, shall file another certificate setting out the change in their names or that their names are additions to a business already in operation and every address where such business is conducted or transacted in the county within 30 days after August 16, 1963.

(Source: P.A. 76-893.)

(805 ILCS 405/3) (from Ch. 96, par. 6)

Sec. 3. The several County Clerks of this State shall keep an alphabetical index of all persons filing certificates pursuant to Sections 1 and 2, and for the indexing and filing of such certificate shall receive a fee of \$5.00. A copy of such certificate and receipt for proof of publication, duly certified to by the County Clerk in whose office the certificate is filed, shall be presumptive evidence in all courts of law in this State of the facts therein contained. (Source: P.A. 85-186.)

(805 ILCS 405/3a) (from Ch. 96, par. 6a)

Sec. 3a. Any person who has executed and filed the certificate required by Section 1 or 2 of this Act and who wishes to withdraw his name from the business organization shall have the certificate cancelled in whole or in part by filing in the office of the County Clerk where the certificate is filed, a supplementary certificate under oath, showing that such person or persons have ceased doing business under the assumed name, or that the person or persons executing the supplementary certificate have no further connection with or financial interest in the business carried on under such assumed name; whereupon the County Clerk shall note opposite the trade name theretofore registered, the word "cancelled" and the date of cancellation, or, in the case of withdrawal only of one or more but less than all of the registrants, the clerk shall note the word "Withdrawn" after the name of each party filing the supplementary certificate indicating the withdrawal, together with the date of such withdrawal. When such withdrawal effectuates any change in or transfer of the ownership of 25% or more of the total ownership interest in any such business organization doing business under an assumed name, then notice of the filing of such certificate shall be published.

For filing a certificate noting the cancellation or withdrawal of one or more names, the County Clerk shall receive a fee of \$1.50.

Where a person files a certificate pursuant to Section 1 or 2 setting out a change of his name, or that his name is an addition to an organization doing business under an assumed name which has previously been registered, the County Clerk shall note on the index of such person's name the word "changed" or "addition" as the case may be.

(Source: Laws 1963, p. 2997.)

(805 ILCS 405/3b)

Sec. 3b. Locale misrepresentation.

(a) A person shall not advertise or cause to be listed in a telephone directory an assumed or fictitious business name that intentionally misrepresents where the business is actually located or operating or falsely states that the business is located or operating in the area covered by the telephone directory. This subsection (a) does not apply to a telephone service provider or to the publisher or distributor of a telephone service directory, unless the conduct prescribed in this subsection (a) is on behalf of that telephone service provider or that publisher or distributor.

(b) This Section does not apply to any foreign person or foreign entity that has gross annual revenues in excess of \$100,000,000.

(c) A foreign limited partnership that violates this Section is guilty of a petty offense and must be fined not less than \$501 and not more than \$1,000. A foreign limited partnership is guilty of an additional offense for each additional day in violation of this Section.

(Source: P.A. 91-906, eff. 1-1-01.)

(805 ILCS 405/4) (from Ch. 96, par. 7)

Sec. 4. This Act shall in no way affect or apply to any corporation, limited liability company, limited partnership, or limited liability partnership duly organized under the laws of this State, or any corporation, limited liability company, limited partnership, or limited liability partnership organized under the laws of any other State and lawfully doing business in this State, nor shall this Act be deemed or construed to prevent the lawful use of a partnership name or designation, provided that such partnership shall include the true, real name of such person or persons transacting said business or partnership nor shall it be construed as in any way affecting subdivision (a)(8) or subsection (c) of Section 17-2 of the Criminal Code of 2012. This Act shall in no way affect or apply to testamentary or other express trusts where the business is carried on in the name of the trust and such trust is created by will or other instrument in writing under which title to the trust property is vested in a designated trustee or trustees for the use and benefit of the cestuis que trustent.

(Source: P.A. 96-328, eff. 8-11-09; 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

(805 ILCS 405/5) (from Ch. 96, par. 8)

Sec. 5. Any person or persons carrying on, conducting or transacting business as aforesaid, who shall fail to comply with the provisions of this Act, shall be guilty of a Class C

misdemeanor, and each day any person or persons conducts business in violation of this Act shall be deemed a separate offense.

A person shall be exempt from prosecution for a violation of this Act if he is a peace officer who uses a false or fictitious business name in the enforcement of the criminal laws; provided such use is approved in writing by one of the following:

- (a) In all counties, the respective State's Attorney;
- (b) The Director of the Illinois State Police under Section 2605-200 of the Illinois State Police Law; or
- (c) In cities over 1,000,000, the Superintendent of Police.

(Source: P.A. 102-538, eff. 8-20-21.)

(805 ILCS 405/6) (from Ch. 96, par. 8a)

Sec. 6. If a person or persons required to register hereunder do not do so and such persons, or any of them, are unknown, civil actions may be brought against such person or persons, by filing suit against the business under its assumed name, naming all known owners, and designating as "unknown owner or owners" the other person or persons transacting business under such assumed name. A judgment rendered pursuant to this section shall be a personal judgment against all named owners and shall, in addition, be immediately enforceable against the property of the business and constitute a lien upon real estate held in the name of the business. At any time prior to satisfaction of judgment, if any, if the identity of a previously unknown owner is discovered, such person shall be named as a party defendant by motion to the court in which such case is pending or in which the judgment was entered, supported by an affidavit showing that notice of such motion has been given in the manner required for service of process upon an individual defendant by the Civil Practice Law, as heretofore or hereafter amended. Within 10 days after service of such notice, the previously unknown owner may appear and defend as in other civil cases; however, such defense shall not affect any judgment against any other person previously entered in the suit. If the defendant does not file an appearance within such 10 day period or if after hearing the defendant is found to be liable, the judgment, if any, theretofore entered in such suit shall be amended to include such person and shall at such time become a personal judgment against such person as if he had been individually named in the original complaint.

(Source: P.A. 82-783.)