

Guide to Starting a Retail Food Business



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Plan Review and Opening Inspection Hotline: 303-846-6230

Your local Tri-County Health Department Environmental Health Offices:

Aurora:

303-363-3055

15400 E. 14th Place, Suite 115 (Altura Plaza Building), Aurora, CO 80011

Castle Rock:

303-663-7650

410 South Wilcox St., Castle Rock, CO 80104

Commerce City:

303-288-6816

4201 E. 72nd Ave. Suite D, Commerce City, CO 80022

Greenwood Village:

720-200-1670

6162 S. Willow Drive, Suite 100, Greenwood Village, CO 80111

This guide is for anyone involved in the planning and construction of retail food service facilities, including architects, contractors, restaurant equipment suppliers, food service operators, and kitchen designers.

Our goal is to provide guidance for designing and constructing food facilities to be efficient, easy to clean and maintain, in order to support good food safety practices. Additional resources are available at TCHD.org. We want you to have a successful business!

Retail Food License

TIP!

If you are planning on selling or serving food to the public, then you will need to apply for a Retail Food License. A license is not needed for instant hot beverages, bottled or canned beverages, commercially pre-packaged foods such as chips and candy, or non-potentially hazardous pastries & bagels which have been prepared in an approved facility)

Prior to purchasing a business or signing a lease for an existing retail food establishment, for a fee you may request that Tri-County Health Department do a site evaluation of the establishment. This will inform you of structural and equipment shortcomings, some of which may be costly

Understanding the Requirements

Tri-County Health Department reviews plans for facilities in Adams, Arapahoe, and Douglas Counties to make sure that the design and equipment in a facility are suitable for the safe storage, preparation, and service of the foods on the proposed menu. New construction and extensively remodeled food establishments or mobile food units that have never been licensed by Tri-County Health Department require the submission of a plan review application. Facilities that change ownership and make no major changes to the existing facility do not require the submission of plans, but do require an inspection prior to opening to ensure the establishment meets current health code regulations.

Here are a few helpful definitions:

New facility: New construction and facilities that have never been licensed as a food operation.

Extensively remodeled or altered facility: Extensively remodeled is defined in Section 1-202(18) of the Colorado Retail Food Establishment Rules and Regulations and includes:

- Increased seating capacity by 20%.
- Changed or altered non-public areas that result in a reduction or increase of total space by 25% or more.
- Alterations requiring a building permit by local authorities.
- Diminished capability to handle food and utensils in a sanitary manner, creating potentially hazardous conditions.
- Significant changes in the menu.
- Extensive equipment changes.

Change of Ownership: Retail Food Establishment licenses are non-transferrable. Although a change of ownership does not require a Plan Review Application, a change to the Colorado sales tax number and/or change of ownership requires a new application for a Retail Food Establishment License. However, it may be useful to follow the plan review application requirements as a checklist to ensure you have everything in place.

Mobile Units, and Pushcarts: Retail food facilities that are mobile and utilize the commissary location on a daily basis. If the mobile unit has not been licensed in Tri-County Health Department before, a Plan Review Application for Mobiles would need to be submitted. Please note that the Plan Review Application for Mobiles is different than the Plan Review Packet for Retail Food Establishments. Pushcarts and cold trucks do not need Plan Review, but do require licensing.

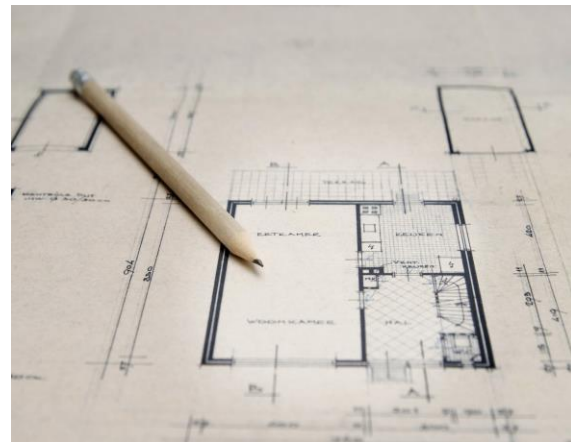
Other Requirements

Wholesale: Wholesale operations sell their goods to other businesses who then sell the product to the final consumer. If you plan to sell goods as a wholesaler, you must register with the Colorado Department of Public Health and Environment (CDPHE) and/or the FDA (Food and Drug Administration). If you plan to sell goods as a wholesaler and directly to the public you must be approved by Tri-County Health Department and by CDPHE. You may contact the CDPHE Manufactured food division at 303-692-3645 (press option 2) or register your business at <https://www.colorado.gov/pacific/cdphe/manufactured-food-registration>. If you plan to sell food and drinks to out-of-state customers, you must be registered with the FDA, which can be done at <https://www.fda.gov/Food/GuidanceRegulation/FoodFacilityRegistration/ucm2006832.htm>.

Cottage Foods: The Cottage Foods Act allows limited types of food products to be sold directly to consumers without health department licensing or inspection. However, cottage food items may not be stored, used, or sold in retail food establishments unless a representative is available. Contact CDPHE at 303-692-3645 for more information or refer to <https://www.colorado.gov/pacific/cdphe/cottage-foods-act>.

Creating Your Plan

Plans are reviewed to ensure that the equipment, facilities, and design will be suitable for the food items you plan to serve and/or sell at the facility. Alterations to the plans are commonly required, and any construction started prior to health department approval could result in unexpected costs and delays, and is a violation of state statute that may result in enforcement action.



Start with the Menu and Procedures

Every business is unique. What will be required is based on the space and equipment needed to store, prepare, and serve the foods on your menu safely. Retail stores such as a grocery may not need the facilities and equipment that a full-service restaurant would need, just as small operations may not need as much equipment as larger operations would require.

Start by developing the menu and operational procedures including the type, amount, and variety of foods you'll serve and the operational procedures you'll follow to store, prepare, and serve foods. This will determine the food preparation, storage, refrigeration, and serving equipment needed and help you develop the ideal kitchen layout, including the floor plan, equipment, and plumbing needed.

Adequate provisions will be necessary for handwashing, cooking, cooling, thawing, reheating, cold-holding, hot-holding, and warewashing associated with the menu and operational procedures. *Special processes such as sous vide or vacuum packaging may require additional information and approval.*

In general:

- Plan for adequate space; do not sacrifice necessary food preparation, storage and dishwashing space to provide "extra room" for customers.
- Plan for an orderly flow of food storage, preparation, and serving areas and for moving soiled and clean dishes and utensils to and from the dishwashing area to minimize contamination throughout the facility.
- Consider your entire floor plan. All areas of the facility used for the storage, preparation, or service of food or drink, and areas used for other facility operations including storage of equipment, single-use items, and linens must meet the requirements of the Colorado Retail Food Establishment Rules and Regulations. This includes attic spaces, basements, outbuildings, restrooms, and other areas where storage and operations take place.

Submitting Your Plan for Review

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Nearly every new or significantly altered facility serving or selling food or beverages in Colorado must submit plans to the local health department before a license can be issued. Tri-County Health Department reviews plans for facilities in Adams, Arapahoe, and Douglas Counties to make sure that the design and equipment in a facility are suitable for the safe storage, preparation, and service of the foods on the proposed menu or food list. Please direct questions about the Plan Review Application to 303-846-6230.

Applications

Application forms are available on the Tri-County website or at our Environmental Health office locations. There are different applications and forms required depending on the type of business you are planning on starting.

Retail Food Establishments:

License Application- Completed with an inspector or in the office

Plan Review Application- <http://www.tchd.org/DocumentCenter/View/2094>

Affidavit of Citizenship/Lawful Presence- <http://www.tchd.org/DocumentCenter/View/444/Proof-of-Citizenship>

Mobile Food Trucks and Trailers:

License Application- Completed with an inspector or in the office

Plan Review Application- <http://www.tchd.org/DocumentCenter/View/1373>

Commissary Agreement- <http://www.tchd.org/DocumentCenter/View/432>

Restroom Affidavit (for fixed mobiles)- <http://www.tchd.org/DocumentCenter/View/434>

Temporary Food Events:

License Application- Completed with an inspector or in the office

Coordinator Application- <http://www.tchd.org/DocumentCenter/View/334>

Vendor Application- <http://www.tchd.org/DocumentCenter/View/336>

Commissary Agreement- <http://www.tchd.org/DocumentCenter/View/432>

Retail Food Establishment Requirements

The plan review application includes instructions for what must be included for review. Missing information will delay the plan review process. Information to include when submitting your plans:

- i. Plan review application form.
- ii. Menu or list of foods prepared on the premises. Plans cannot be approved without submission of a menu or list of foods.
- iii. Floor plan drawn to scale consisting of equipment and fixtures. The set of drawings should be approximately to ¼ inch scale or larger.
- iv. All areas of the facility used for the storage, preparation, or service of food or drink, and areas used for other facility operations including storage of equipment, single-use items, and linens must be included with the floor plan.
- v. Plumbing schedule showing location of all fixtures, floor drains, floor sinks, supply lines, drain lines, and backflow prevention devices.
- vi. Ventilation hood location and type.
- vii. Lighting plan.
- viii. Equipment list showing make and model numbers, and installation methods.
- ix. Finish schedule detailing materials for all floors, wall, ceilings, counters, shelves, etc.
- x. Fixtures requiring hot water.
- xi. Water heater location, make and model number, capacity, recovery rate, BTU or KW input, and hot water requirements.
- xii. Chemical and personal storage.
- xiii. Optional: Site plan, including streets, alleys, entrances, and outside dumpster location.

Review Process and Timeline

Tri-County Health Department will notify you within 14 business days after receiving your application packet

to inform you if your plans were approved or if more information or changes are needed.

- If your plans are *not* approved you will need to submit revised plans. Review of revised plans may take up to 14 additional business days.

- When your plans are approved, you should plan on at least two inspections prior to opening. All inspections require at least one

week notice for scheduling, so you will need to plan accordingly. (See “Planning for your opening inspection” section.) Payment for the annual license fee and all inspection fees must be made at the opening inspection. If your plans change after they’ve been approved you may be required to submit revised plans and pay additional fees.

Arrange for all pre-opening inspections at least 5 business days in advance of the date of the intended inspection. Call the Plan Review Hotline at 303-846-6230 to schedule all inspections.

Approval of plans does not constitute acceptance of the completed structure. It also does not waive the responsibility of the owner or contractor to make necessary changes that may be required if the facility is not in compliance with the applicable requirements.

Individual Owners and Sole Proprietors

All licenses, certifications, and registrations issued to individual owners or sole proprietors must be accompanied by verification of citizenship. Verification includes completing an Affidavit of Citizenship/Lawful Presence for a License and providing approved identification. This requirement does not apply if you are not an individual owner or sole proprietor.

Fees

Plan review and license fees vary depending on the type of plan review and license required. The plan review application fee is \$100 and is collected when the plan review application is submitted. Additionally, a \$60.00 per hour fee will be assessed for time spent conducting the plan review, phone or office consultations, and pre-opening inspections.

The license fee is collected at the opening inspection when the facility is approved by the health department and the licensing paperwork is completed. License fees range from \$183.00-\$800.00 depending on size and operation. A retail food license is good for one year from January 1 to December 31 and must be renewed annually.

Letter of Approval

Construction of the facility may not begin until you have received a written letter of approval from Tri-County Health Department. The letter will include any requirements and stipulations required prior to beginning construction work; be sure to notify others involved in the project, especially the construction manager, of these requirements and stipulations. A copy of this approval letter must remain on the job site at all times.

While this guide has been developed by Tri-County Health Department, contacting the local building department will be required if construction is taking place. Tri-County Health Department is unique because it covers three counties and is not associated with any single building department. In other words, a letter of approval from the local building department does not constitute an approval from Tri-County Health Department. You must have a separate letter of approval from Tri-County Health Department prior to the start of any construction.

Planning for Your Pre-Opening Inspection

Typically two onsite inspections of the facility must be conducted by Tri-County Health Department prior to final approval to open. If the facility is approved at the opening inspection, the paperwork will then be completed to

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issue the retail food license. Retail food facilities, once approved and operating, must maintain ongoing compliance with regulatory requirements.

Scheduling

There are two types of inspections that will need to be completed, which include the pre-opening inspection and the opening inspection. Please allow at least five working days to schedule any of the necessary inspections. To schedule an Opening Inspection, call the Plan Review and Opening Inspection Hotline at 303-846-6230.

Requirements

The following is required prior to the first onsite opening inspection of a retail food operation:

- **Complete Construction/Installation:** All construction/installations must be complete and in full compliance with the Colorado Retail Food Establishment Rules and Regulations, and all applicable local regulations. Multiple inspections may be required to ensure full compliance prior to approval.
- **Fully Operational Equipment:** All refrigeration units must be fully operational and be able to maintain the required cold holding temperature. Dish machines must provide adequate sanitizer concentration and/or reach minimum final sanitizing rinse temperature.
- **Test Equipment:** All required test equipment must be provided, including accurate thermometers for refrigeration units, hot holding units, and mechanical dish machines; an accurate metal stem food thermometer with a 0°F to 220°F temperature range; and appropriate test kits for sanitizer.
- **Operational Sink Areas:** All hand washing sinks must be provided with hot and cold water, soap, paper towels, and a trash can.
- **Clean and Operational:** Establishment must be clean and operational.
- **No Food Stocked or Prepared:** No food stocking or preparation is allowed until approval from Tri-County Health Department has been given.

License Application and Fees

A license application must be completed and all fees paid at the time of the opening inspection if the facility is approved and there are no outstanding violations. The license application will be provided at the pre-opening inspection. Be prepared to provide the following:

- State sales tax number
- Method of payment

The license is renewable annually and is valid from January 1 through December 31.

- License fees are not prorated and are non-transferable.
- A separate license is required for each facility/unit.
- Fees are payable by cash, check or credit card.

Selecting Equipment

This section outlines the equipment you may need to open your food business.

All equipment used for a retail food operation must be listed as commercial and must be certified by a recognized testing agency. This will ensure it is constructed of materials designed and fabricated for food safety and meets American National Standards Institute (ANSI) standards or comparable design criteria. Household equipment may not be used. Equipment approved as National Sanitary Foundation (NSF), Underwriters Laboratories (UL), Electrical Testing Labs (ETL), or Baking Industry Sanitation Standards Committee (BISSC) meet commercial requirements.



Preparation Tables

Preparation tables must be smooth and easily cleanable, tight-jointed, and have moisture-proof surfaces. Cutting boards must be made of approved materials.

Food Shields

Display stands, buffets, and salad bars must have food shields to prevent contamination by customers. Food shields are intended to intercept the direct line between the customer's mouth and the food being displayed to prevent contamination by the customer.

Hot and Cold Holding Equipment

When determining the size and type of refrigeration units, consider the food preparation and assembly processes. Plan for enough hot-holding units to store all hot foods during peak demand. Plan for enough refrigeration to accommodate adequate space for the proper cooling of food items in addition to the storage of cold foods.

Handwashing Sink

All facilities are required to have handwashing sinks that are easily accessible for employees involved in food preparation and warewashing. Handwashing sinks must be equipped with soap and disposable towels.

Food Processing Sink (Food Prep Sink)

A separate sink is needed for the processing of produce and other foods. Processing can include washing, soaking, thawing, and using ice baths for cooling. If a food processing sink is not available, you will be limited to using only prewashed produce.

Mechanical Warewashing Machine or 3-Compartment Sink

A mechanical warewashing machine or a 3-compartment sink is required in a facility that sells or serves unpackaged food. A 3-compartment sink is recommended to ensure the largest equipment can be washed adequately. Consider a 4-compartment sink to allow for presoaking.

Utility (Mop or Service) Sinks

All facilities are required to have a utility sink designated for cleaning mops and tools, and for disposal of mop water. A curbed sink is the ideal option since they make it easier to dump mop water and are a good storage spot for the mop bucket when not in use.

Grease Interceptor (Grease Trap)

A grease trap is a device that is attached to sinks and/or drains to prevent fats, oils, and grease from flowing to the sewer system. Grease traps are not required to comply with health regulations; however, some local jurisdictions may require them. When installed, they must be easily accessible for cleaning. It is recommended

that they be located outside the facility. If they cannot be located outside of the facility, then they may not be located in an area designated for food preparation in the kitchen.

Ventilation

Sufficient ventilation must be installed to keep rooms free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke, and fumes. Type I hoods are used for grease collection and Type II hoods are typically installed over mechanical dish machines or where steam may be produced.

Dry Storage

Enough designated space must be available for storage of food, dishes, and equipment, including bulk foods, cans, and other items. All food items must be stored at least 6" off floor to prevent contamination.

Chemical Storage

Chemicals must be stored below and/or away from food items, equipment, and utensils to prevent contamination. Chemicals cannot be stored above the 'clean side' dishwashing sink.

Employee Area

Lockers, shelving, or a designated area must be provided for employee belongings. Personal belongings such as coats, purses, cigarettes, and phones cannot be kept in food areas. Additionally, this serves as a great location for employees to store their drinks and food.

Lighting

Lighting must be bright enough to allow for safe work conditions and to facilitate cleaning. It must also be shielded when it is above food or food preparation areas to prevent contamination in the event of breakage. Lighting is typically measured in "foot candles". 50 foot candles of light are required in all food preparation and warewashing areas.

Surfaces

All floors, walls, and ceilings in food areas (service, storage, or preparation) must be smooth and easily cleanable. Carpet is prohibited in food preparation and warewashing areas. Every facility must submit a finish schedule with plan review. Below are approved surfaces that are commonly used.

- **Floors:** quarry tile, ceramic tile, sealed concrete, poured epoxy
- **Walls:** stainless steel, fiberglass reinforced plastic, glossy painted drywall, painted concrete block
- **Ceilings:** vinyl coated drop ceiling tiles, glossy painted drywall
- **Base Coving:** tile, rubber

Toilet Facilities

Conveniently located toilets must be provided that are accessible to employees and patrons without allowing patrons access to food preparation areas, storage areas, or warewashing or utensil storage areas.

- No seating = no public restrooms required
- 20 seats or less = one public restroom required
- More than 20 seats = minimum of two restrooms required, separate facilities for men and women
- The number of fixtures per each restroom is determined by local building codes – contact your local Building Department for more information
- In all cases, restroom facilities must be provided for employees

Planning for Disease Prevention

The Centers for Disease Control estimates that every year in the U.S. 48 million people get sick, more than 128,000 are hospitalized, and 3,000 die from foodborne illnesses. To ensure food is safely prepared and does not bring illness to your customers, please give thought to the information below; you may be asked about them during future inspections.



Employee Training and Illness Policy

The top 3 causes of foodborne illness are attributed to poor personal hygiene, improper holding temperatures, and improper cooling procedures by food service workers. Training food handlers in food safety is the best way to reduce foodborne illness. Ideally, restaurants should include written policies and plans on the following:

- How you will train your staff about food safety.
- The food safety practices that will be covered during staff orientation.
- An overview of your employee health policy, including how you will handle sick workers and how you will let employees know about your policy.
- Provide sick leave benefit to employees to encourage them not to work while ill.

Tri-County Health Department offers Food Safety Training. Please contact your local Environmental Health office for more information or go to <http://www.tchd.org/394/Food-Safety-Education>.

Waste & Pest Control

Waste and pest management is critical to operating a safe and clean business:

- Who will provide your waste collection?
- How will you handle grease waste and cleaning your grease interceptor?
- Who will provide certified pest control, if needed?
- How will you secure your facility and ensure your food supply is safe and that you are using approved suppliers with food from approved sources?

Equipment Maintenance

Preventative maintenance is a way to ensure your equipment is functioning properly all year around:

- Clean your hood system and/or fire suppression system.
- Provide maintenance for your refrigeration units
- Provide support and maintenance for your dishwasher.

Water Service

Ensure you have enough hot water capacity for the busiest time of day.

Storage

Make sure you have the storage you need to keep foods safe. Ensure you have:

- Enough storage space for dry goods.
- Space needed to expand the operation, if needed.
- Enough space in coolers and freezers to allow for air circulation.
- Storage to keep hot foods hot (135°F or greater) and cold foods cold (41°F or less) and thermometers for all coolers and for food.

Cleaning

There are several things you can do to prevent the amount of future maintenance necessary for your facility and provide ease of cleaning.

- Construct floors, walls and ceilings with smooth, durable, and easily cleanable materials.

- Consider stainless steel on the walls around the grill line, and behind and around grease producing equipment.
- Place heavy equipment on casters, so that it can be moved easily. Every other piece of equipment, especially at the grill line, should be on casters. This makes it easier to clean behind and between equipment.
- Seal sinks to walls to prevent water and grime from accumulating where it cannot be reached for cleaning.

TIP!

Planning ahead and creating processes and procedures allows for you to integrate food safety into your daily routine. These processes can be reviewed with your regular inspector.

TIP!

Fixed Equipment

- Install all fixed equipment to allow for easy cleaning by allowing space from nearby equipment or seal to walls.
- Seal table mounted equipment to the table or use legs tall enough to facilitate cleaning.
- Seal all floor mounted equipment (in kitchen areas) that are not on casters or elevate it on 6 inch legs.

Processes

To be sure food remains safe, make sure you have processes to:

- Date mark ready-to-eat food products.
- Ensure that a ‘first in, first out’ system is used for foods.
- Ensure foods are properly thawed by making sure there is enough cooler space to allow for overnight thawing.
- Properly cool large amounts of leftover food by using shallow pans, ice wands, or other necessary cooling equipment.
- Monitor temperatures, including when temperatures will be taken, how they’ll be recorded, and who will be responsible for monitoring and verification.
- Avoid bare hand contact with ready to eat foods, such as using gloves, tongs, utensils, deli paper, or other tools.

Service Contacts

- Local Health Dept. (Tri-County Health Department 303-200-1670)
- Building Department (city or county). They may also require plans.
- Fire Department
- Water and Sanitation District
- Colorado Department of Revenue (for sales tax license account)
- City where business will be located (for business license)
- Colorado Liquor Control (for liquor licensing)

Checklist

- Obtained State Sales Tax License
- Contacted local building department
- Contacted local fire department
- Submitted a completed Plan Review Application to Tri-County Health Department (with the \$100 fee)
- Set-up a pre-operational inspection
- Set-up an opening inspection
- Payed all applicable fees

Do you have any questions? Please feel free to contact us using the numbers on the second page!