

# Starting a Retail Food Business



Wyoming  
DEPARTMENT OF *Agriculture*

**CONSUMER HEALTH SERVICES**

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We want you to have a successful business! 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 and easy to clean and maintain in order to support good food safety practices. Additional information and resources are available on the Wyoming Department of Agriculture's website at: <https://wyagric.state.wy.us/divisions/chs/food-safety>.

## Understanding the Requirements

Every new, or significantly altered, facility serving or selling food or beverages in Wyoming must submit plans to their local regulatory authority (local inspector) before a license can be issued. The inspector then reviews these plans 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.

A license applicant or license holder shall submit to the regulatory authority properly prepared plans and specifications for review and approval. The following types of facilities must create and submit a plan for review:

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

**Extensively remodeled or altered facility:** A license applicant or license holder shall submit to their local inspector properly prepared plans and specifications for review and approval before the remodeling of a facility or a change of the type of the facility if the inspector determines that plans and specifications are necessary to ensure compliance with the Wyoming Food Safety Rule. Some examples would be:

- 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 licenses are non-transferrable. A change to the Wyoming sales tax number and/or change of ownership require that a plan review application be submitted.

**Change of Location:** If the license holder moves the facility to a different location, a plan review packet must be completed and submitted for approval prior to a new license being issued.

**Kiosks, Mobile Units, and Pushcarts:** Retail food facilities that are mobile and move on a daily basis must also complete and submit a mobile plan review for approval. Many of these facilities will also require a commissary agreement.

**Requested by Regulatory Authority:** There may be times when your local regulatory authority may request you to complete a plan review based on remodel, significant changes to the menu, and/or changes to type of operation and food service.

The Plan Review Packets can be found here: <https://wyagric.state.wy.us/divisions/chs>

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## Other Requirements

**Wholesale:** Wholesale operators are operators who sell their goods to other businesses who then sell the product to the *final* consumer. If you plan to sell goods as a wholesaler and directly to the public you must be approved by your local inspector within the WDA. If you plan to sell food and drinks to out-of-state customers, you may also need to be registered with the FDA.

**Marketing Homemade Foods (Wyoming Food Freedom Act):** The Wyoming Food Freedom Act allows limited types of food products that are non-potentially hazardous (i.e. do not require refrigeration for safety) to be sold directly to consumers without licensing or inspection. However, these food items may not be stored, used, or sold in retail food facilities. Contact your local inspector for more information. The Wyoming Food Freedom Act can be found here:

<https://wyagric.state.wy.us/images/stories/pdf/chs/foodfreedom2017.pdf>

# 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 approval could result in unexpected costs and delays.

## 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.

\*NOTE: All foods and ice must be from an approved source. Milk shall be pasteurized and must be dispensed via individual cartons or from an approved bulk type dispenser. No homemade foods are allowed in licensed facilities.

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, curing food, using additives or vacuum packaging will 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 Wyoming Food Safety Rule. This includes attic spaces, basements, outbuildings, restrooms, and other areas where storage and operations take place.

# 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 NSF, UL Sanitation, ETL Sanitation, or BISSC meet commercial requirements.

## Preparation Tables

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

## Food Shields

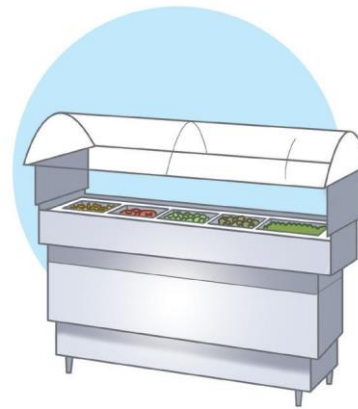
Display stands, buffets, and salad bars must have food shields to prevent contamination by customers. Food shields are intended to intercept the direct line between the customer's mouth and the food being displayed to prevent contamination by the customer.

## Hot and Cold Holding Equipment

When determining the size and type of refrigeration units, consider the food preparation and assembly processes. Ensure to plan for enough hot-holding units to store all hot foods during peak demand. Crock pots are not approved for commercial food preparation.



PREPARATION TABLE



FOOD SHIELD



HOT HOLDING EQUIPMENT



COLD HOLDING EQUIPMENT

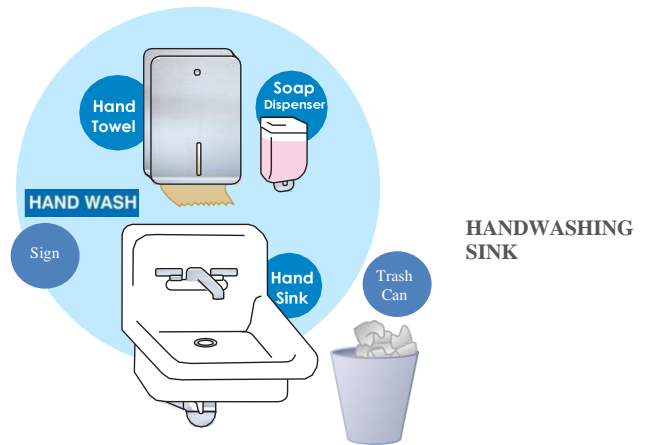
## TIP

Beverage display refrigerators are not designed for cold holding of potentially hazardous foods. A data plate will describe the type of food and/or beverage the unit is designed to hold.



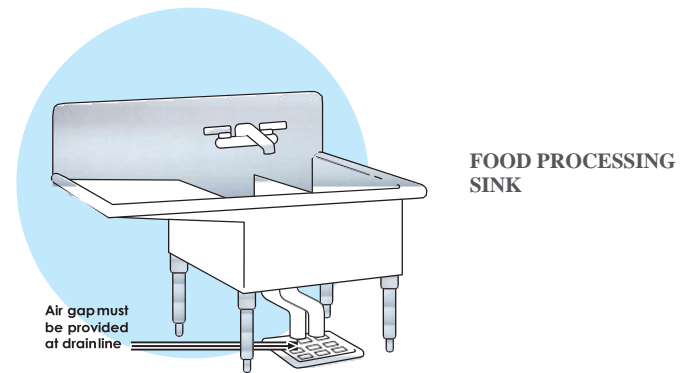
## Handwashing Sink

All facilities are required to have handwashing sinks which allow convenient use by employees in food preparation, food dispensing, and warewashing areas and in, or immediately adjacent to toilet rooms. Sinks must be equipped with hot and cold running water, soap, disposable towels or hand dryers, a hand washing sign, and a trash can.



## Food Processing Sink (Food Prep Sink)

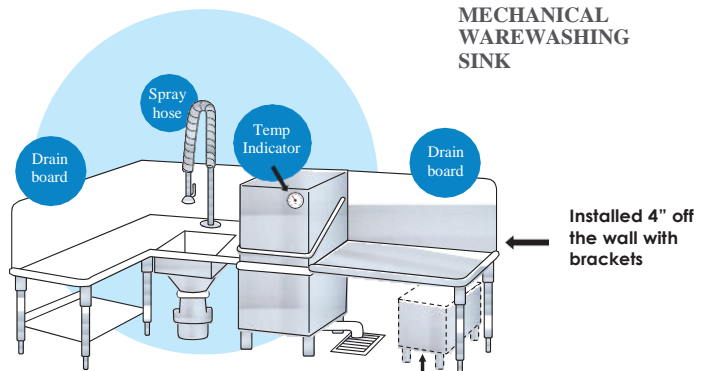
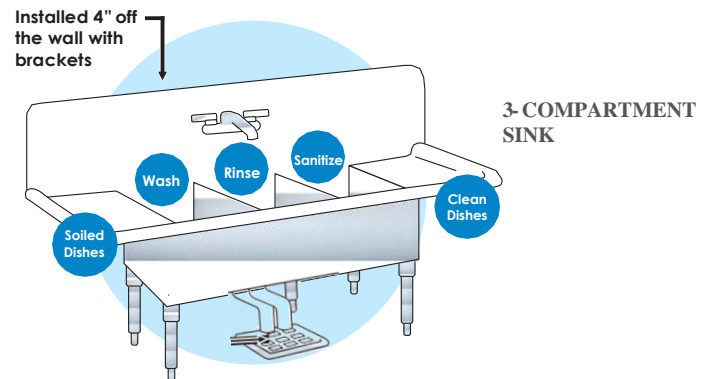
A separate sink is required for the processing of produce and other foods. Processing can include washing, soaking, thawing, and using ice baths for cooling. If a food processing sink is not available, you may be limited to using only prewashed produce. These sinks shall be indirectly drained as shown in the image to the right.



## Mechanical Warewashing Machine and 3-Compartment Sink Requirements

A three-compartment sink is required in a facility that sells or serves unpackaged food. The three-compartment sink must be large enough to ensure the largest equipment can fit in the sink and be washed adequately. A mechanical warewashing machine may also be used but does not replace the need for a three-compartment sink. Either installation requires an indirect drain on the equipment. Hot water dishwashing machines must have a booster heater to maintain 180°F water temperature at the manifold of the dish machine. Low temperature (120°F), chemical sanitizing dish machines may be installed, if desired.

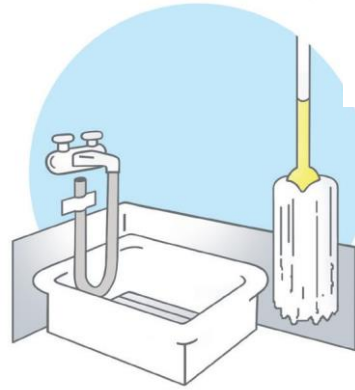
\*NOTE: For chemical sanitization, a test kit or other device that accurately measures the concentration in mg/l of sanitizing solutions is required.



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### Utility (Mop or Service) Sinks

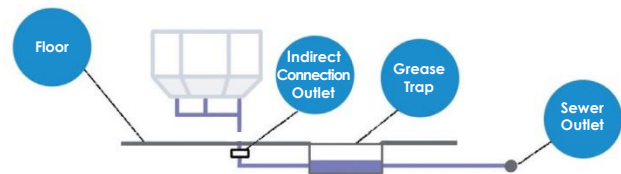
All facilities are required to have a utility sink designated for cleaning mops and tools, and for disposal of mop water. A curbed sink is the ideal option since they make it easier to dump mop water and are a good storage spot for the mop bucket when not in use. Mop hangers are also required to allow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



UTILITY SINK

### 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. When installed, they must be easily accessible for cleaning. It is recommended that they be located outside the facility.



GREASE TRAP

### TIP

Grease traps must be cleaned periodically to keep them working properly. An indoor grease trap may need to be cleaned monthly or quarterly, while a larger outdoor unit may only need cleaning once or twice per year.



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## Ventilation

Sufficient ventilation must be installed to keep rooms free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke, and fumes. All grease generating cooking equipment shall be located under a commercial grade hood with washable grease filters, properly shielded lights, and a fire suppression system approved by the local fire marshal.

## 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. Contact paper is not approved for shelving in storage or food preparation areas.

## Chemical Storage

Toxic items such as insecticides, rodenticides, caustics, cleaning items, and medicines shall be stored separately from food items, equipment, and utensils to prevent contamination. Chemicals cannot be stored above the 'clean side' of the 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.

## Laundry Facilities

Laundry facilities in a food service establishment are not allowed in the food preparation or utensil washing areas. Clean and soiled linen shall be stored separately and in proper containers.

## 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.

## Surfaces

All floors, walls, and ceilings in food areas (service, storage, or preparation) must be smooth, durable and easily cleanable. Carpet is allowed only in areas for packaged food storage. 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, FRP, glossy painted drywall, painted concrete block
- **Ceilings:** vinyl coated ACT (drop ceiling), glossy painted drywall
- **Base Coving:** tile, rubber

## Toilet Facilities

Conveniently located toilets must be provided that are accessible to employees. Restrooms shall have self-closing doors, mechanical vents vented to the outside of the building, and smooth, nonabsorbent, easily cleanable floors and walls.

### TIP

The employee area is also a great location for employees to store their beverage cups or food.





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# Planning for Disease Prevention

The Centers for Disease Control estimates that every year in the U.S. 76 million people get sick, more than 300,000 are hospitalized, and 5,000 die from foodborne illnesses. To ensure food is safely prepared and does not bring illness to your customers, include the following items in your plan; 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. Include in your plan:

- Who will be required to have food safety training.
- The food safety practices developed for your facility.
- An overview of your employee health policy, including how you will handle sick workers and how you will let employees know about your policy.

**The Wyoming Department of Agriculture offers ServSafe Essentials and Wyoming Food Safety Fundamentals classes as needed. Contact your local inspector to request this training. Contact information for all state inspectors can be found at the following website: <https://wyagric.state.wy.us/divisions/chs/contacts>. Current scheduled classes can be found here: <https://sites.google.com/wyo.gov/wyomingfoodsafety/home/classes-offered>.**

## Waste & Pest Control

Waste and pest management is critical to operating a safe and clean business. Include in your plan:

- Who will provide your waste pickup and how often it will be picked up.
- How you will handle grease waste and cleaning your grease trap.
- Who will provide certified pest control, if needed.

Additionally, outside garbage facilities shall be properly located and maintained and premises shall be maintained free of litter and unnecessary material. All outer openings to the facility shall be protected (screened) and have self-closing, tight fitting doors.

## Water Source

If a private water supply is utilized, semiannual bacteriological tests are required. The drilling of water well for a private water system in a food service facility requires a permit from the State Engineer's Office. Additionally, registration with the Environmental Protection Agency (EPA) may be required if the facility supplies water to at least 25 people in a 60 day period.

## Waste Water

A private wastewater disposal system for a food service facility must have a Department of Environmental Quality (DEQ) or local regulatory authority permit, be adequately sized for the proposed operation, and constructed according to submitted plans.

## 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.

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## 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.
- Avoid sealing equipment and sinks to walls, and instead brace and set equipment away from walls and other equipment. This makes it easier to clean behind 3 compartment sinks, dishwashers, etc. Set equipment at least 4 inches from the wall.

## Fixed Equipment

- Install all fixed equipment to allow for easy cleaning by allowing space from nearby equipment or avoiding sealing to walls or equipment.
- Seal table mounted equipment to the table or use moveable legs.
- Seal all floor mounted equipment (in kitchen areas) that is not easily movable to the floor 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.
- Avoid bare hand contact with ready to eat foods by using gloves, tongs, utensils, deli paper, or other tools.

# Submitting Your Plan for Review

Every new, or significantly altered, facility serving or selling food or beverage in Wyoming must submit plans to their local inspector before a license can be issued. The inspector reviews these plans 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 and will accept or deny the submitted plan within 30 days of submittal.

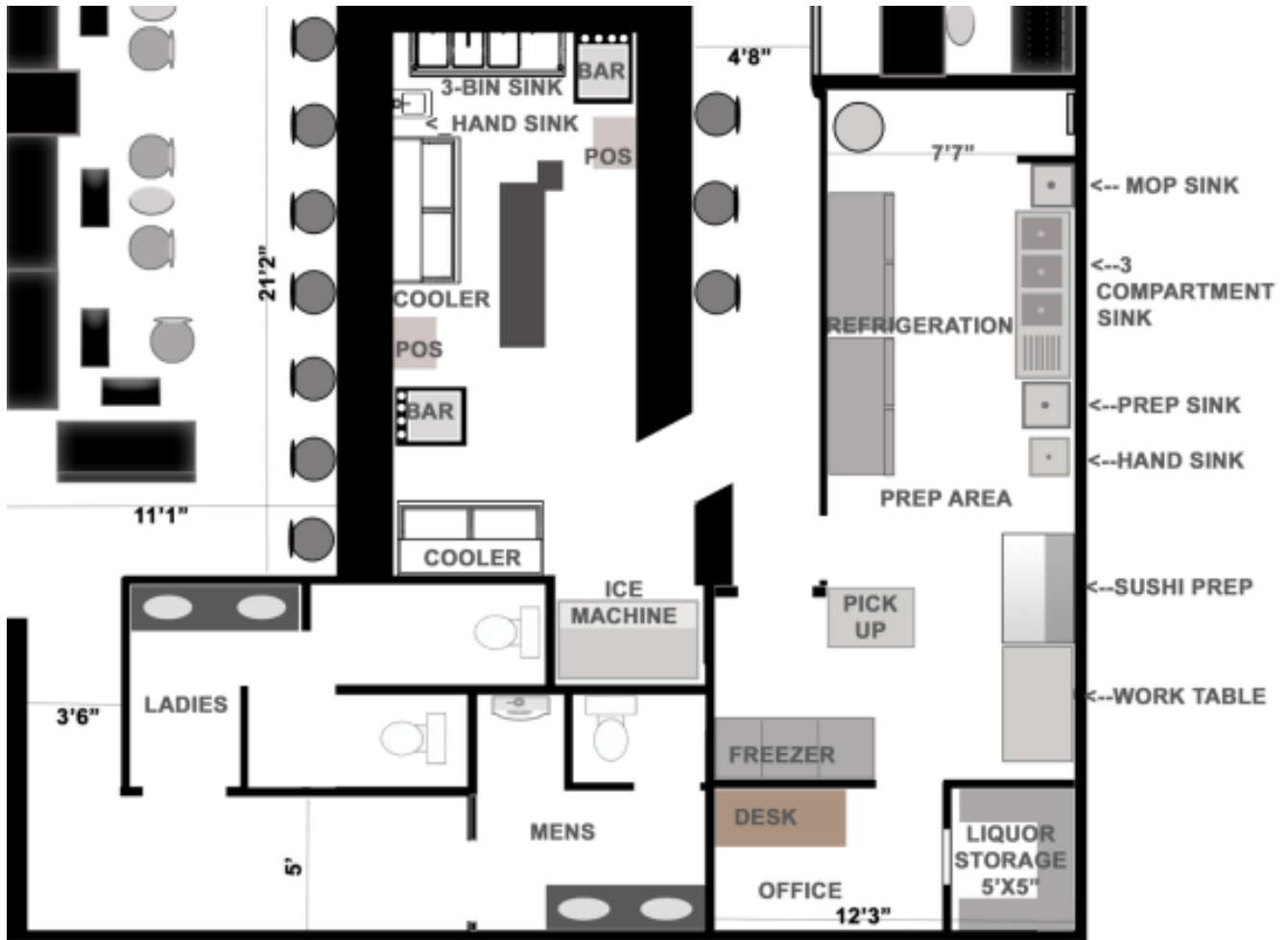
## Requirements

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

- a. Completed Plan Review Packet.
- b. Menu or list of foods prepared on the premises. Plans cannot be approved without submission of a menu or list of foods.
- c. Floor plan drawn to scale consisting of equipment and fixtures. The set of drawings should be approximately to ¼ inch scale or larger. This shall include:
  - 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 chemicals, equipment, single-use items, and linens
  - Location of all plumbing fixtures, floor drains, floor sinks, supply lines, drain lines, and backflow prevention devices.
  - Location of all entrances, exits, and outside dumpster location.

- d. Equipment list showing make and model numbers, and installation methods.
- e. Water heater location, make and model number, capacity, recovery rate, BTU or KW input, and hot water requirements.
- f. Finish schedule detailing materials for all floors, wall, ceilings, counters, shelves, etc.

Floor Plan Example:



Finish Schedule Example:

Room	Floor	Walls	Ceilings
Food Processing Area	Sealed smooth concrete with rubber baseboard	FRP	Vinyl-faced gypsum board
Toilet Rooms	Vinyl tile	Quarry Tile	Painted gypsum board
Dry Storage	Sealed smooth concrete	Painted gypsum board	Painted gypsum board

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## Review Process and Timeline

Your local inspector will notify you within 30 days of 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 30 additional business days.
- If your plans are approved, you must schedule a pre-opening inspection at least 14 business days before the planned opening date. Fees for the annual license fee must be made by check or money order at the time of the opening inspection. If your plans change after they've been approved you will be required to submit revised plans and this will delay your pre-opening inspection.

**\*NOTE: 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.**

## Fees

The license fee is collected at the pre-opening inspection when the facility is approved and the licensing paperwork is completed. The initial licensing fee is one hundred dollars and each subsequent year the licensing renewal fee is fifty dollars. Checks or money orders shall be written to the Wyoming Department of Agriculture (WDA).

## Letter of Approval

Construction (or remodel) of the facility may not begin until you have received a written letter of approval from your local inspector. 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.

While this guide has been developed by the Wyoming Department of Agriculture; Consumer Health Services division, contacting the local building department, fire inspector, city/county clerk, and/or liquor commission will be required if construction is taking place. All required permits must be obtained before your inspector can issue a retail food license.

## TIP

**Arrange for a pre-opening inspection 14 days in advance of the planned opening date.**



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# Planning for Your Opening Inspection

An onsite inspection of the facility must be conducted by your local inspector prior to final approval. If the facility is approved at the pre-opening inspection, the paperwork will then be completed to issue the retail food license. Retail food facilities, once approved and operating, must maintain ongoing compliance with regulatory requirements.

## Scheduling

Arrange for a pre-opening inspection fourteen (14) days in advance of the date of the intended inspection. Please allow five working days to schedule an opening inspection.

## Requirements

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

- **Complete construction/installation:** All construction/installations must be complete and in full compliance with the Wyoming Food Safety Rule 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. Sanitizer must be provided for all manual cleaning and wiping cloths.
- **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:** Facility must be clean and operational.
- **No food may be brought and/or stored in the facility until licensed and approved by the local regulatory authority.**

## License Application and Fees

A license application must be completed and fee(s) paid at the time of the pre-opening inspection if the facility is approved and there are no outstanding violations.

The license is renewable annually and is valid from the date of issuance.

- Fees are not prorated and are non-transferable.
- A separate license is required for each facility/unit.
- Fees are requested to be payable by check or money order.



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