

Stark County Health Department

When is Food Operation Plan Review Required? When is a Food License Transfer Granted?

The Ohio Uniform Food Safety Code states: “No person, firm, association, organization, corporation, or government operation shall construct, install, provide, equip, or extensively alter a retail food establishment or food service operation until the facility layout and equipment specifications therefore have been submitted to and approved in writing by the licensor, or its authorized representatives, of retail food establishments or food service operations for the area where the facility is proposed.”

When is Food Operation Plan Review Required?

New Facility/New Construction: All requirements of plan review must be met. Fee is required. See Introduction to Food Operation Plan Review (attach pdf) on this web page.

New Facility/Existing Structure:

- A) Structure was not previously used as a food operation: All requirements of plan review must be met. Fee is required.
- B) Structure was previously used as a food operation and;
1. Kitchen or food production area, major appliances, or sinks, etc. were relocated, renovated, or altered so that a new flow pattern is established:
Delivery>Storage>Preparation>Cooking>Serving: All requirements of plan review must be met. Fee is required.
 2. Flow pattern not significantly altered and appliances remain in the same location, yet minor construction exists such as walls or separations added or removed from the kitchen and/or dining area: A to scale floor plan must be submitted and all applicable building, electric, etc. permits must be obtained. No plan review fee is required.
 3. Appliances are to be changed, but located in the same area so that the kitchen flow pattern remains. Operator must supply a list of NSF approved equipment with manufacturer’s name and model numbers and obtain all applicable plumbing, electric, HVAC, and fire permits and approvals if they are necessary to install equipment. No plan review fee is required. Note: In some instances the operator may be asked to supply proof that the new equipment will fit into the available space, without interfering with kitchen work space or flow. (This may be done by submitting a diagram on graph paper)
 4. Minor relocation or replacement or existing equipment and/or no alterations: No plan review is required.

Also, please note what the Ohio Uniform Food Safety Code states for existing facilities and equipment:

3717-1-20 Existing facilities and equipment.

- (A) Food service operations and retail food establishments in operation prior to March 1, 2001 may continue to use existing facilities and equipment that:
 - (1) Can be maintained in a sanitary condition;
 - (2) Have food contact surfaces that comply with the requirements of this chapter;
 - (3) Have cooling, heating, and holding capacities that comply with the requirements of this chapter; and
 - (4) Do not constitute a public health hazard or public nuisance.

- (B) Existing facilities and equipment shall be replaced with equipment and facilities meeting the requirements of this chapter when any of the following occur:
 - (1) They no longer comply with the requirements of paragraphs (A)(1) to (A)(4) of this rule;
 - (2) They no longer comply with the criteria upon which they were originally approved; or
 - (3) The food service operation or retail food establishment changes ownership.

When is a Food License Transfer Granted?

Section 3717.26 & 3717.46 of the Ohio Revised Code states: “A licensor may transfer a food service or retail food establishment license under either of the following circumstances: 1) The sale or disposition of the food operation; 2) The relocation of the food operation.” Food Code further states: “A person or government entity may request to receive a food service or retail food establishment license by transfer. A licensor may transfer a license only on determining that the person or government entity requesting the transfer is in compliance with the provisions of the Ohio Uniform Food Safety Code. In the case of the sale or disposition of a food service or retail food establishment, the licensor may transfer a license only if the licensee consents to the transfer. A licensor may not transfer a license more than once in a licensing period. A license for a temporary food service or retail food establishment is not transferable.”

Be advised, not only will the food operation be inspected for compliance with the Ohio Uniform Food Safety Code prior to transfer, but any alterations made by the new operator or as a result of the pre-transfer inspection shall be subject to the Plan Review Requirements above.

Non-Compliant Food Operations

Any facility that is in substantial non-compliance with the Ohio Uniform Food Safety Code relating to equipment or structural details, especially when a letter in this regard is present in their file, the facility is subject to the Plan Review Requirements. Also, this holds true whether the license is being transferred or its present owner is upgrading the facility.