Town of Derry
Public Health

14 Manning Street, Derry, NH 03038
Tel: 603-845-5520
Fax: 603-845-5129
www.derry-nh.org

REQUIREMENTS FOR OPENING AND OPERATING A FOOD SERVICE ESTABLISHMENT IN DERRY, NH

I. INTRODUCTION

This guide is designed to assist prospective food service operators through the Town of Derry, Public Health's license process. The Town of Derry licenses all food service establishments operating within the Town under the authority of the Town of Derry Code of Ordinances, Chapter 55. As a self-inspecting Town, Derry enforces applicable state laws and has adopted the NH Rules for the Sanitary Production & Distribution of Food, He-P 2300. A copy of these rules can be obtained at the Town of Derry, Public Health Department or online at http://www.derry.nh.us.

II. HOW TO OBTAIN A FOOD PERMIT IN DERRY

1. Approval Process Required Prior to, and in Conjunction with, Contacting the Public Health Department:

   A. Contact Planning Department at 432-6110
      1. Obtain site plan approval if required.
      2. Obtain other Planning Board approval if required, (i.e., Change of Use)
      3. Any other Planning Department requirements.

   B. Contact Building Department at 432-6148
      1. Obtain variance if required
      2. Obtain all necessary permits including
         a. Building (building, electrical & plumbing) permits
         b. Sign Permit
         c. Request necessary inspections and obtain the Certificate of Occupancy (CO).
      3. Any other Building Department requirements.

   C. Contact Fire Department at 432-6751.
      1. Discuss the type of location of the establishment.
      2. Any other Fire Department requirements.

   D. Contact the Public Health Department at 845-5520
      1. Discuss preliminary plans
      2. Obtain copy of Sanitary Food Code, if necessary.
      3. Obtain Plan Review Packet.
      4. Obtain Chapter 55 Derry Code.

2. Plan Review: Any individual wishing to open a new food service establishment or purchase an existing food service establishment or retail food store, must comply with the Plan Review document, as well as other documents referred to in the Plan Review packet. The floor plan should be submitted at least 45 days prior to: construction, remodeling, or relocating a new food service establishment or retail food store. The plans will be reviewed by the Health Officer, and/or their designee, who will make any necessary recommendations to the food service establishment representative. Once the food preparation and service area plans are approved by the Public Health Department, any subsequent changes to those plans must be submitted to the Health Officer for approval. This process may eliminate errors that may have a financial impact on the establishment, or may delay the projected opening date. After all Departments have approved the plans and signed off on the necessary permit application forms, and permits have been paid for and issued, project construction can begin.

3. License Application: A Food Service Application Form can be submitted at any time during the plan review process. This form can be obtained at the Town of Derry, Public Health Department or online at http://www.derry.nh.us. However, a pre-inspection cannot be conducted until the food service application has been completed and submitted with the applicable fee to the Town of Derry.

4. Inspections: Inspections by other departments may be required during various phases of construction. Some possible inspections include: test pit and bed bottom inspections for septic permits; and foundation, plumbing, wiring, and rough inspections from the Building Department. If there are any questions or problems encountered, a site inspection can be scheduled with the Health Officer prior to the final inspections and issuance of the Certificate of Occupancy (CO). Such interim inspections can prevent costly errors and delayed openings.

5. Permit: When all construction is completed, inspected, and approved, a Certificate of Occupancy must be obtained from the Building Department. The CO is not issued until all departments, including Public Health, have made their final inspections of the site, and have issued approvals. If the food service establishment or retail food store is approved, a provisional license may be issued. The provisional license expires 90 days after the date of issuance. Before expiration of the provisional license, another health inspection to evaluate food handling procedures may be conducted. No food establishment or retail food store can open for business prior to obtaining a food license and a Certificate of Occupancy.

III. INSPECTIONS

1. New Food Establishments: A license shall not be issued for a newly constructed or converted food establishment until the owner has satisfactorily completed the plan review process. Once this process is complete, a sanitary inspection must be scheduled with the Health Officer. After completion of a sanitary inspection showing a minimum score of 70 with no violation of any critical or construction items as described in the NH Sanitary Food Code, He-P 2300, a provisional license may be issued.

2. Change in Ownership or Location: If a food establishment or retail food store is changing ownership, name or location, the owner must notify the Public Health Department at least 30 days prior to the change. Food licenses are not transferable. Upon change of ownership, all equipment and maintenance items shall be brought in compliance to meet the requirements of the NH Sanitary Code, He-P 2300.

3. Ongoing: For an ongoing food establishment, the license shall remain in effect if the sanitary inspection shows a minimum score of 70 with compliance action taken for any critical items. Inspections are unannounced and conducted at least twice per year. The sanitary inspection shall be documented on a food service establishment inspection report. This report is a 44 item checklist with debit points which are subtracted from 100 giving the actual score. Critical items have asterisks on the Inspection Sheet.

   A. All critical items in violation shall be corrected immediately. If the correction requires more time to correct, the establishment will enter into a Compliance Agreement with the Public Health Department and a deadline for corrections will be set at the discretion of the Health Officer.

   B. Temporary measures may be used to correct the critical item so that the establishment may remain open. However, permanent corrections acceptable to the Health Officer shall be required and documented in a Compliance Agreement.

4. Approved for Continued Operations: License Renewals: When the total rating score is not less than 70% and there are no critical items in violation, or any ongoing maintenance/construction items, the food service establishment may remain open to the public.

5. Not Approved for Continued Operation: When the sanitary inspection shows a score of less than 70% or is cited for the same critical violation at two consecutive inspections, the licensee shall be presumed to be endangering public health and safety. Failure to comply within the designated re-inspection period will subject the licensee to immediate removal of the Food License until the establishment is in compliance. At the discretion of the Health Officer, some conditions may warrant the immediate closure of an establishment. The establishment shall have the option of closing voluntarily to correct deficiencies.