§ 870-d. Issuance of permit. No amusement device, viewing stand or tent may be operated in the state without a permit issued by the commissioner except as provided in section eight hundred seventy-m of this article. Such permits are not transferable and if any permit holder voluntarily discontinues operation of the amusement device, viewing stand or tent, all rights secured under the permit are terminated.

1. Before commencement of the operation of a permanent or temporary device, viewing stand or tent, the owner or lessee shall make written application to the commissioner for a permit to operate, which shall be accompanied by an annual non-refundable fee of one hundred dollars for each amusement ride device. The permit shall be valid for a period of one year.

2. No temporary device, viewing stand or tent shall be used at any time or location unless prior notice of intent to use same has been given to the commissioner. Notice of planned schedules shall (a) be in writing, (b) identify the temporary device, viewing stand or tent, (c) state the intended dates and locations of use, (d) be mailed to the commissioner at least fifteen days before the first intended date of use.

3. A permit to operate shall be issued to the owner or lessee of an amusement device, viewing stand or tent when:

(a) written application has been made to the commissioner;

(b) the amusement device, viewing stand or tent has passed all required inspections; and

(c) the liability insurance or bond required by section eight hundred seventy-f of this article has been met in the amount prescribed.

4. The commissioner may revoke any permit issued pursuant to this article if it is determined that an amusement device, viewing stand or tent is:

(a) being used or operated without the inspections required by section eight hundred seventy-e of this article; or

(b) being used or operated without the insurance or other security

required by section eight hundred seventy-f of this article; or

(c) being used or operated with a mechanical, structural or design defect which presents an excessive risk of serious injury to passengers or members of the public.

5. Any other violation of this article may result in a revocation, provided that written notice of non-compliance is served upon the owner specifying any violation of this article and directing the owner to correct such violations within thirty days of receipt of such notice.

6. Nothing herein shall prevent an owner whose permit to operate an amusement device, viewing stand or tent has been revoked pursuant to this section from reapplying for a permit in accordance with this article.