

the ratio of food sales to the sale of alcoholic beverages has been maintained for at least [six] 6 months prior to the application for this permit [except that in the case of]. FOR a newly licensed establishment the Board [of License Commissioners] may immediately authorize the issuance of a special Sunday "on-sale" permit if in the opinion of the Board and upon good cause shown the newly licensed establishment meets the specifications of paragraph [(1)] (2) of this subsection pertaining to the preparation, serving and sale of food and [provided further that] IF the holder of the license complies with the [provision] PROVISIONS of this paragraph. Applicants for a special Sunday "on-sale" permit shall furnish the Board [of License Commissioners] with any proof [as] it considers necessary indicating the qualifications of the establishment to be issued this permit.

[(ii)](IV) The holder of a special Sunday "on-sale" permit is subject to all other provisions of this article pertaining to Class B beer, wine and liquor licenses, except that any restrictions on the sale of alcoholic beverages on Sunday appearing in § 103 OF THIS ARTICLE and elsewhere may not apply. Holders of this permit shall submit to the Board, from time to time at regular intervals to be established by the Board, a statement indicating in detail the ratio of food sales to the sales of alcoholic beverages. If the average daily receipts from the sale of food fail for [three] 3 successive months to equal 40 percent of the total daily receipts from the sale of food and alcoholic beverages, the Board shall cancel this permit. [It is permissible for the licensee of a] Class B [,] beer, wine and liquor [license] LICENSEES with a special Sunday "on-sale" permit and [the licensee of a] Class BH [license to] LICENSEES MAY sell beer, wine and liquor by the drink from the bar or a cocktail lounge to persons on the licensed premises.

[(iii)](V) The Board [of License Commissioners] may adopt regulations it considers necessary relating to the issuance, suspension, and cancellation of these permits in furtherance of this subsection.

(6) (i) THERE IS A CLASS BLX LICENSE, WHICH IS A SPECIAL CLASS B LICENSE.

(II) THE ANNUAL LICENSE FEE IS \$2,500.

(III) 1. [In addition to the classes provided for, there is a special Class B license known as] Class BLX [which is] LICENSES MAY BE issued only to luxury type restaurants[; they], A TERM WHICH shall be [applied for in the regular manner and the license fee is \$2,500. A luxury type restaurant shall be as] defined by the regulations of the Board [of Liquor License Commissioners, if the].

2. THE restaurant [has] SHALL HAVE a minimum capital investment of \$800,000 for dining room facilities and kitchen equipment, which sum may not include the cost of land, buildings or a lease [, with].

3. THE RESTAURANT SHALL HAVE a minimum seating capacity of 100 persons.

4. The Board [of License Commissioners] has complete discretion as to whom these licenses [shall] MAY be issued, the number to be issued, and [as to] whether an existing license holder of an alcoholic [beverage] BEVERAGES license may also have an interest in one Class BLX license.