

supervise and govern the holding of such athletic exhibitions. Council may confer upon a boxing and/or wrestling commission the power to issue permits or licenses for the holding of boxing or wrestling exhibitions and may also provide that a fee based on a percentage of the gross receipts be charged for the issuance of such permits or licenses. However, before a boxing exhibition can be held in a municipality so as to be subject to the regulation and supervision of a boxing commission created by council, written permission to hold a boxing exhibition first must be obtained from the mayor of the municipality as provided by section 12803.

All moneys collected in the exercise of its powers by a boxing and/or wrestling commission created by council of a charter municipality must be deposited as provided by either charter, ordinance or statute. A charter city, in the expenditure of money collected by a boxing and/or wrestling commission, is controlled and governed by the provisions of sections 5625-29 to 5625-33, inclusive, and a charter municipality which has adopted any one of the plans of government described in sections 3515-1 to 3515-44, inclusive, is in addition to sections 5625-29 to 5625-33, inclusive, also subject to the provisions contained in sections 3515-46, 3515-58 and 3515-63. Moneys collected by a boxing and/or wrestling commission of a non-charter municipality must be paid to the treasurer of the municipality and can be expended only on appropriation of council. Council of a non-charter municipality by ordinance cannot provide that moneys collected by a boxing and/or wrestling commission shall be deposited in the name of the commission to be expended by that body as it may deem proper and necessary.

Section 12803 does not empower a mayor of a municipality to create or appoint a boxing commission or advisory board for the purpose of approving applications for permission to hold boxing exhibitions within a municipality or for the purpose of supervising and regulating such events after permission to hold the same has been granted by the mayor. Neither does section 12803 authorize the mayor of a municipality to charge a fee for granting permission to hold a boxing exhibition within a municipality.

The power to appoint a boxing and/or wrestling commission may be conferred upon a mayor of either a charter or non-charter municipality by charter or ordinance.

Respectfully,

JOHN W. BRICKER,  
*Attorney General.*

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1636.

APPROVAL, NOTES OF FRANKLIN TOWNSHIP RURAL SCHOOL DISTRICT, MORROW COUNTY, OHIO, \$494.00.

COLUMBUS, OHIO, September 27, 1933.

*Retirement Board, State Teachers Retirement System, Columbus, Ohio.*