

by leakage within the limits therein set forth. I am therefore of the opinion that Section 82 of such ordinances does not authorize the department of law of the City of Cleveland to abate water charges.

In specific answer to your inquiries, it is my opinion that:

1. A municipality, whether a charter city or otherwise, may, under authority of Section 3982-1, General Code, in the operation of its municipally owned water plant, provide water for the municipal purposes of such municipality without making any charge to the respective department therefor, unless there is some provision in a bond or note indenture which would cause such method of conduct to violate a vested property right. (Opinion, Opinions Attorney General 1938, Volume III, page 2263, overruled.)

2. Section 2302-18 of the ordinances of the City of Cleveland is not void as an unconstitutional delegation of legislative functions, and authorizes the commissioner of water to make certain adjustments of charges to customers for lost water by reason of unknown leakage.

3. Section 82 of the ordinances of the City of Cleveland does not authorize the department of law of the City of Cleveland to compromise charges for water furnished by the city to customers.

Respectfully,

THOMAS J. HERBERT,  
*Attorney General.*

---

1579.

RENTAL ADJUSTMENT—CANAL LAND LEASE 385, SIDNEY FEEDER, MIAMI AND ERIE CANAL, THE CITY OF SIDNEY, LESSEE.

COLUMBUS, OHIO, December 15, 1939.

HON. CARL G. WAHL, *Director, Department of Public Works, Columbus, Ohio.*

DEAR SIR: I beg to acknowledge receipt of your Recommendation of Rental Adjustment drawn and executed pursuant to House Bill No. 514 of the 93rd General Assembly, and dealing with the adjustment of abandoned canal lands lease No. 385, Sidney Feeder, Miami and Erie Canal, in which lease The City of Sidney, Ohio, appeals as lessee.

Finding the provisions of this instrument correspond with the said act of the Legislature, I endorsed my approval upon the original and duplicate and triplicate copies thereof, and same are transmitted to you herewith.

Very truly yours,

THOMAS J. HERBERT,  
*Attorney General.*