

Proposed Amendment “B” to Resolution 168

To reserve right to withdraw annexation petition until annexation’s effective date

Proposed by: Mr. Harrison

Date: November 10, 2009

Proposed Amendment: To insert an additional Paragraph No. 3, to reserve right to withdraw annexation petition until annexation’s effective date, as shown below

Substantive: The charter’s limitation upon adoption of substantive amendments without re-advertisement does not apply to resolutions. Notwithstanding the inapplicability of that requirement, this is non-substantive. The Courts have said that an amended ordinance cannot be deemed to be new or different one unless it enlarges or narrows the scope of the original ordinance to such an extent that the ordinance as enacted can be said to be misleading in a substantial manner in its final form. Amendments that do not defeat the original purpose of the ordinance are not so substantial as to become a new ordinance. *Ajamian v. Montgomery County*, 99 Md. App. 665, 684-685 (1994). This amendment meets that test and it is therefore not substantive.

3. Notwithstanding adoption of this Resolution, the County reserves the right to withdraw the request for annexation at any time before the effective date of Resolution No. 5955.