

# **REPEALED BY ORDINANCE #215**

## **151. AN ORDINANCE ESTABLISHING PARKING REGULATIONS IN THE CITY OF GROTON (INITIALLY APPROVED MARCH 3, 2004 AND FINALLY APPROVED APRIL 5, 2004)**

Be it ordained and enacted by the Mayor and Council of the City of Groton, State of Connecticut as follows:

### **Section 1.1**

This Ordinance establishes the regulations concerning the parking of vehicles in the City of Groton and the enforcement thereof. The policy of this Ordinance is to provide parking for the convenience, comfort and welfare of people who live, work and otherwise travel in and to the City, to permit traffic safety and efficiency while minimizing or reducing traffic congestion, pollution and nuisance arising out of the unregulated parking of vehicles.

### **Section 1.2**

This Ordinance is enacted pursuant to the City's general powers and in particular, Sections 7-148(b)(i) and 7-152b of the Connecticut General Statutes. The Mayor of the City shall constitute the Traffic Authority of the City as defined in Section 14-297(6) of the Connecticut General Statutes and shall be vested with the full power and authority granted such Traffic Authority pursuant to Chapter 249 of the Connecticut General Statutes as such may from time to time be amended.

### **Section 1.3**

Pursuant to Section 7-152b of the Connecticut General Statutes, the Mayor of the City of Groton is hereby authorized to appoint one or more parking violation hearing officers to conduct hearings as authorized hereunder and under the statute. One such hearing officer shall be designated as chief hearing officer. No such hearing officer shall be a police officer, a person working in a police department or a person authorized to issue parking tickets, but any other municipal employee may be appointed a parking violation hearing officer in addition to his or her other duties. No such hearing officer or person working under the direction of such hearing officer may otherwise directly or indirectly engage in the private business of collecting the fines, assessments or judgments imposed hereunder.

### **Section 2.1**

Whenever in this Ordinance the following terms are used, they shall have the meanings respectively ascribed to them as follows:

- a. **Alley**: A public way within a block, generally giving access to the rear of lots or buildings, and not used for general traffic circulation.

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- b. **Concession Parking Space**: A parking space that is posted and marked as appropriate for the parking of a vehicle from which retail sales of food and/or beverages are conducted.
- c. **Crosswalk**: That portion of the roadway included within the prolongation of the sidewalk lines at street intersections or where designated by alternating stripes across the roadway.
- d. **Curb**: The lateral boundary of the roadway whether such curb is marked by curbing construction or not so marked.
- e. **Curb Side Parking Space**: The distance of twenty (20) linear feet of curb, exclusive of the portions of the curb where parking is not permitted pursuant to this Ordinance.
- f. **Driver**: Every person who drives or is in actual physical control of the vehicle.
- g. **Emergency Vehicles**: Police vehicles, vehicles of the fire department, ambulances, vehicles carrying a state, county or municipal officer or employee in response to an emergency call, and emergency vehicles of public service corporations on an emergency call.
- h. **Handicapped Person**: Any person who is deemed handicapped for purposes of Section 14-253a of the Connecticut General Statutes.
- i. **Intersection**: The area embraced within the prolongation of the property lines of two or more streets, which join at an angle whether or not such streets cross.
- j. **Loading Zone**: The space adjacent to a curb posted as reserved for the exclusive use of a vehicle during the loading or unloading of passengers or materials.
- k. **Park**: To stand a vehicle whether occupied or not, for a period of time greater than is reasonably necessary for the actual loading and unloading.
- l. **Parking Space**: A permanently surfaced area of not less than one hundred eighty (180) square feet (16.74 sq. meters), either within a structure or in the open, excluding driveways or access drives, posted and marked available for the parking of a vehicle.
- m. **Passenger Loading Zone**: The space adjacent to a curb posted as reserved for the exclusive use of vehicles during the loading or unloading of passengers.

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- n. **Property Line**: The line marking the boundary between any street and the lot or property abutting thereon.
- o. **Safety Zone**: That portion of a roadway posted as reserved for the exclusive use of pedestrians, suitably marked or elevated, as provided for in Section 14-304 of the Connecticut General Statutes.
- p. **Sidewalk**: That portion of a street between the curb line or roadway and the adjacent property line designated for pedestrian use.
- q. **Street**: The entire width between property lines or every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, or the purpose of vehicular traffic.
- r. **Traffic**: Pedestrians, ridden or herded animals, vehicles and other conveyances whether single or together while using any street for the purpose of travel.
- s. **Vehicle**: Every device in, upon or by which any person or property is or may be transported or drawn upon a street except devices moving by human power or used exclusively upon stationary rails or tracks.

#### **Section 2.2**

Pursuant to Section 14-307 of the Connecticut General Statutes, the Mayor of the City as Traffic Authority shall have the power to prohibit, limit or restrict the parking of vehicles and to erect and maintain signs designating the time or terms of such prohibition or restriction on any highway or thoroughfare coming under the jurisdiction of the City of Groton.

#### **Section 2.3**

Members of the police department, and special police assigned to traffic duty, are hereby authorized to direct all traffic in accordance with the provisions of this Ordinance and the statutes of the State of Connecticut, or in emergencies as public safety or convenience may require, and it shall be unlawful for any person to fail or refuse to comply with any lawful order, signal or direction of a policeman. Except in case of emergency it shall be unlawful for any person not authorized by law to direct or attempt to direct traffic.

#### **Section 2.4**

The fire department officer in command, or any fireman designated by him, may exercise the powers and authority of a policeman in directing traffic at the scene of any fire or

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where the fire department has responded to an emergency call for so long as fire department equipment is on the scene in the absence of or in assisting the police.

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#### **Section 2.5**

It shall be unlawful for the driver of any vehicle to disobey the instructions of any traffic sign or signal placed in view by the parking authority or in accordance with the laws of the State of Connecticut, except as provided in Sections 2.2 and 2.4 above.

#### **Section 2.6**

The Traffic Authority may from time to time as the need arises make temporary rules for the regulation of the parking of vehicles in the City of Groton and the violation of such temporary rules shall be a violation of this Ordinance.

#### **Section 3.1**

At any time it shall be unlawful to permit any vehicle to park or stand in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the directions of a policeman or traffic control device:

- a. In an intersection.
- b. In a crosswalk.
- c. In a safety zone.
- d. Upon any bridge or viaduct or the approach thereto.
- e. Between a safety zone and the adjacent curb or within thirty feet (30') of a point of the curb immediately opposite the end of a safety zone.
- f. Within thirty feet (30') of a traffic signal, beacon, or sign on the approaching side.
- g. Within twenty-five feet (25') of any intersection or crosswalk or stop sign.
- h. At any place where the standing of a vehicle will reduce the use of a width of the roadway to a distance unsafe for emergency or other vehicles.
- i. Within fifteen feet (15') of a fire hydrant.
- j. At any place where the vehicle would block the use of a driveway.
- k. Within fifty feet (50') of the nearest rail of a railroad crossing.

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- l. Within twenty feet (20') of the driveway entrance to any fire department station and on the side of the street opposite the entrance to any such station or within seventy-five feet (75') of such entrance when properly posted.
- m. On any sidewalk or parkway.
- n. At any place where official signs prohibit parking.
- o. In any parking space designated for the use of handicapped persons if the vehicle and the person operating the vehicle do not comply with the provisions of Section 14-253a of the Connecticut General Statutes.
- p. In violation of any other restrictions of Section 14-251 of the Connecticut General Statutes.

#### **Section 3.2**

No vehicle shall be parked with the left side of such vehicle next to the curb, except on one way streets, and it shall be unlawful to stand or park any vehicle in a street other than: (a) parallel with the curb; (b) with the two curbside wheels of the vehicle within twelve inches (12") of the regularly established curb lines; and (c) within the lines demarcating a curbside parking space if so marked; except that upon those streets that have been marked for angle parking, vehicles shall be parked at the angle to the curb indicated by such marks.

#### **Section 3.3**

It shall be unlawful for the driver of a passenger vehicle to park in a passenger-loading zone for a period of time longer than is necessary for the loading or unloading of passengers, not to exceed three (3) minutes.

#### **Section 3.4**

It shall be unlawful for the driver of any freight-carrying vehicle to park in a loading zone for a period of time longer than is necessary to load, unload and deliver materials, not to exceed thirty (30) minutes.

#### **Section 3.5**

No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten feet (10') of the roadway for the free movement of

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vehicular traffic, and no person shall stop, stand, or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property.

#### **Section 3.6**

It shall be unlawful for the driver of any vehicle from which the retail sale of food and/or beverages is made, to park said vehicle on any street in other than a Concession Parking Space for the purpose of conducting such retail trade.

#### **Section 3.7**

Except on Sundays or holidays, it shall be unlawful to park any vehicle between the hours of 8:00 a.m. and 6:00 p.m. for a longer consecutive period of time than that designated.

#### **Section 3.8**

It shall be unlawful to park any vehicle on any private property without the consent of the owner of the property.

#### **Section 3.9**

The Traffic Authority shall cause signs to be posted in all areas where parking is limited, restricted or prohibited, indicating such limitations, restrictions or prohibitions.

#### **Section 4.1**

Any person, firm or corporation violating any provision of this Ordinance shall be fined in accordance with Section 4.3. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues unless the violation involves a posted time limit, then in such event, a separate offense shall be deemed committed for each multiple of time so posted during which said violation continues. The fact that an automobile, which is illegally parked, is registered in the name of a person shall be considered prima facie proof that such person was in control of the automobile at the time of such parking except to the extent the liability of a lessee under Section 14-107 of the Connecticut General Statutes shall apply.

#### **Section 4.2**

Any police officer or traffic safety assistant may attach to any vehicle found in violation of this parking Ordinance, a notice to the owner or operator that such a vehicle has been parked in violation of law, which notice shall indicate the nature of the violation and instruct such owner or operator to pay the penalty for such violation at the City of Groton

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Police Headquarters in person or by mailing such notice of violation, with the amount of the penalty, to the Traffic Division of the City of Groton Police Department.

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#### **Section 4.3**

The penalty to be paid pursuant to Sections 4.1 and 4.2 above for the violation of any provision of this Ordinance shall be the sum of fifteen dollars (\$15.00) per violation, provided however, that such payment is received by the specified City authority no later than one hundred twenty (120) hours from the time and date of the violation specified in said notice. If such payment is not received in such one hundred-twenty (120) hour period the penalty shall increase to the sum of twenty-five dollars (\$25.00) per violation.

#### **Section 4.4**

Any motor vehicle found parked in violation of any State Statute, or City of Groton Ordinance shall be towed, or immobilized, if such vehicle has parking liens against it in the amount of seventy-five dollars (\$75.00) or more that have not been paid. Such vehicle may be immobilized in such a manner as to prevent its operation, except that no such vehicle shall be immobilized by any means other than by use of a device or other mechanism, which will cause no damage to such vehicle unless it is moved when such device or mechanism is attached.

In any case wherein a vehicle is immobilized pursuant to this section, the person immobilizing said vehicle shall cause to be placed upon such vehicle, in a conspicuous manner, notice sufficient to warn any individual to the effect that any attempt to move such vehicle with the device or mechanism in place will result in damage to the vehicle.

The vehicle, if towed, shall be towed under the direction of a member of the City of Groton Police Department, to a public garage in the City of Groton, or if this is not possible to the next nearest public garage.

Before the vehicle is released to the owner, towing storage charges shall be paid, and, all parking tickets owed to the City of Groton shall be paid.

Any attempt to remove any immobilization device attached to a vehicle pursuant to this section shall be a violation of this section punishable by a fine of one hundred dollars (\$100.00).

#### **Section 5.1**

Within twelve (12) months after the expiration of the final period for the uncontested payment of fines, penalties, costs, or fees for any alleged violation of any parking ordinance duly adopted by the City of Groton pursuant to the General Statutes, the Traffic Sergeant or police officer in charge of traffic enforcement, shall send notice to the motor vehicle operator, if known, or the registered owner of the vehicle, by first class

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mail, at his address, according to the registration records of the State of Connecticut Department of Motor Vehicles. Such notice shall inform the operator or owner: (a) of the allegation against him and the amount of the fines, penalties, costs or fees due; (b) that he may contest his liability before a parking violations hearing officer by delivering in person or by mail written notice within ten days of the date thereof, (c) that if he does not demand such a hearing an assessment and judgment shall enter against him; and (d) that such a judgment may issue without further notice.

#### **Section 5.2**

If the person receiving the notice required pursuant to Section 5.1 hereof does not either (a) pay the full amount of the fines, penalties, costs or fees without requesting a hearing, or (b) request a hearing as provided herein, within ten (10) days after the date of such notice, such person shall be deemed to have admitted liability and the tax collector shall certify such person's failure to respond to the chief hearing officer. The chief hearing officer shall thereupon enter and assess the fines, penalties, costs or fees provided for by this ordinance and shall follow the procedure set forth herein below.

#### **Section 5.3**

Any person receiving a notice pursuant to Section 5.2 of this Ordinance may request a hearing by mailing or delivering such request in writing to the chief hearing officer at the place designated within ten (10) days after the date of such notice. The chief hearing officer shall promptly schedule a hearing and give notice of the date, time and place of such hearing to the person requesting it. Such hearing shall be held not less than fifteen (15) nor more than thirty (30) days from the date of the mailing of notice, provided the chief hearing officer shall grant reasonable request by any interested party for postponement or continuance upon good cause shown. The presence of the policeman or issuing officer shall be required at the hearing if the person requesting the hearing so requests. If such person fails to appear at a hearing for which correct notice has been duly sent, the presiding hearing officer may enter an assessment or default against him, in the amount of the fines, penalties, costs or fees provided for by the applicable parking ordinance section.

#### **Section 5.4**

The hearing officer presiding at any hearing convened in accordance with the provisions of this section shall announce his decision at the end of the hearing. If he determines the person is not liable, he shall dismiss the matter and enter his determination in writing accordingly. If he determines the person is liable for the violation, he shall forthwith enter and assess the fines, penalties, costs or fees against such person as provided by this Ordinance. If such assessment is not paid on date of its entry, the chief hearing officer

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shall send by first class mail a notice of assessment to the person found liable and shall file, not less than thirty (30) days nor more than twelve (12) months after such mailing, a certified copy of the notice of assessment with the Clerk of the Superior Court for the tenth geographical area, together with an entry fee of eight dollars (\$8.00), or such other amount as may from time to time be required by law, and the request that said clerk enter judgment against such person in favor of the City of Groton as provided for in Section 7-152b of the Connecticut General Statutes.

#### **Section 5.5**

The person against whom an assessment has been entered in accordance with this Ordinance shall have such rights of appeal as may from time to time be granted by Section 7-152b of the Connecticut General Statutes, by Section 546a of the Rules of Practice for the Superior Court, or by other applicable law or regulation.

#### **Section 6.0 RESIDENTIAL DISTRICTS**

##### **Section 6.1 Definitions**

As used in this Ordinance,

- a. **Residential District** shall mean a contiguous or nearly contiguous area containing public highways or parts thereof primarily abutted by residential property or residential and non-business property such as schools, parks, churches, hospitals and nursing homes;
- b. **Residential Parking Permit Area** shall mean a residential district where curbside parking on public highways is limited to not more than two (2) consecutive hours between 7 a.m. and 10 p.m. on weekdays, excepting holidays, unless the vehicle properly displays a parking permit authorized by this Ordinance; and
- c. **Curbside Parking Space** shall mean twenty (20) linear feet of curb, exclusive of those portions of the curb where parking, apart from the provisions of this Ordinance, is not presently permitted.

##### **Section 6.2 Designation of Residential Parking Permit Area**

- a. Upon receipt of a request for designation of a street or streets as a residential parking permit area, the Mayor and Council may designate by resolution a residential district or portion thereof a residential parking permit area. In considering whether or not so to designate an area, the Mayor and Council shall consider the following criteria:

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- (1) Parking demand;
- (2) The proportion of residential parking and nonresidential parking;
- (3) Widths of streets in the area;
- (4) Traffic flow in the area;
- (5) General availability of off-street parking; and
- (6) Other criteria as set forth in Section 10 of this Ordinance.

#### **Section 6.3 Withdrawal of Designation of Residential Parking Permit Area**

The Mayor and Council may, at any time, withdraw the designation of an existing residential parking permit area or portions thereof by a majority vote of those members present and voting. Such withdrawal shall become effective thirty (30) days after such vote. Notice of such action shall be mailed to all holders of residential parking permits within the area affected.

#### **Section 6.4 Posting of Residential Parking Permit Signs**

- a. Following the City Council's affirmative vote to designate a residential parking permit area, parking signs shall be erected in the designated area.
- b. The signs shall be of such character as to inform readily an ordinarily observant person that curbside parking on public highways in the designated area is limited to not more than two (2) consecutive hours between 7 a.m. and 10 p.m. on weekdays, excepting holidays, unless the vehicle properly displays a parking permit authorized by this Ordinance.

#### **Section 6.5 Issuance of Residential Parking Permits**

- a. Any person over the age of sixteen (16) who resides within the residential parking permit area may apply for a residential parking permit by completing and signing an application designed to provide the following information:
  - (1) The name and residential address of the owner of the vehicle;
  - (2) The name, residential address and driver's license number of the principal operator of the vehicle;

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- (3) The make, model, color and registration number of the vehicle;
  - (4) The number of vehicles whose owners or principal operators reside at the applicant's residence and the number of off-street parking spaces available for such vehicles within the residential parking permit area.
- b. No residential parking permit shall be issued to a person who has exclusive access to off-street parking space within the residential parking permit area.
  - c. No residential parking permit shall be issued for a vehicle whose owner or principal operator does not reside within the residential parking permit area or which is not registered in the State of Connecticut unless such registration is not required.
  - d. Whenever the chief of police or his designee shall find that the applicant qualifies under the provisions of this Ordinance for a residential parking permit, he shall issue to the one (1) residential parking permit for the vehicle described in the application. The permit shall be affixed by a member of the police department to the vehicle in a conspicuous location and shall contain the following information:
    - (1) The registration number of the vehicle;
    - (2) The designation of the residential parking permit area;
    - (3) The expiration date of the permit, which shall be December 31st of the year in which it is issued.

#### **Section 6.6 Renewals and Transfer of Permits**

- a. Upon submission of evidence to the chief of police that he is still qualified for a residential parking permit, a holder of a valid permit for the previous year shall be entitled to a new residential parking permit for the current year.
- b. Upon surrender of his existing residential parking permit and completion of a new application, the holder of a valid residential parking permit shall receive a new parking permit to be transferred to another qualifying vehicle.

#### **Section 6.7 Use of Residential Parking Permits**

- a. A parking permit shall not guarantee or reserve a parking space nor shall it excuse the observance of any traffic or parking regulation other than the time limit on parking.
- b. It shall be a violation of this Ordinance to use a permit in any residential parking permit area other than the one for which the permit was issued.

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- c. It shall be a violation of this Ordinance for the holder of a residential parking permit to use his permit when he or his vehicle no longer fulfills one or more of the applicable provisions of this Ordinance controlling issuance of residential parking permits.
- d. It shall be a violation of this Ordinance for any person to represent in any fashion that a vehicle is entitled to a parking permit authorized by this Ordinance when it is not so entitled. The display of a parking permit on a vehicle not entitled to such permit shall constitute such a representation.
- e. It shall be a violation of this Ordinance for any person to duplicate or attempt to duplicate a residential parking permit or to display on any vehicle such a duplicate parking permit.

#### **Section 6.8 Penalties**

Any person who shall violate any of the provisions of this ordinance shall, upon conviction, be fined not more than one hundred dollars (\$100.00) or imprisoned not more than thirty (30) days or both and his permit may be revoked. Revocation of the permit or conviction of a violation in a court of law shall be considered as just cause for denial of future residential parking permits to such person.

#### **Section 6.9 Separability**

The provisions of this Section are separable, and, if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of the regulation or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance, to which the ordinance or part thereof is held inapplicable, had been specifically exempted therefrom.

#### **Section 6.10 Statement of Purpose**

The Mayor and Council of the City of Groton finds and declares that the provisions of this Ordinance are enacted for the following reasons:

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- a. To reduce hazardous traffic conditions resulting from the use of streets within residential districts for vehicles parked by persons not residing within the residential districts;
- b. To protect the residential districts from polluted air, excessive noise and refuse caused by the entry of such vehicles;
- c. To protect the residents of these residential districts from unreasonable burdens in gaining access to their residences;
- d. To preserve the character of these districts as residential districts;
- e. To encourage the use of public transportation;
- f. To promote efficiency in the maintenance of streets in these residential districts in a clean and safe condition;
- g. To preserve the value of the property in these residential districts;
- h. To promote traffic safety and the safety of children and other pedestrians in these residential districts;
- i. To forestall dangers arising from the blocking of fire lanes, hydrants and other facilities required by emergency vehicles, both in reaching victims and in transporting them to hospitals;
- j. To facilitate the movement of traffic in the event of accidents and other disasters; and
- k. To promote the peace, comfort, convenience and welfare of all inhabitants of the City.

#### **Section 7.1 Severability**

The provisions of the Ordinance are severable and if any provision, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair the remainder of this Ordinance or the application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been adopted if such illegal, invalid or unconstitutional part hereof had not been included herein, and if such person or circumstance to which this Ordinance or part hereof if held inapplicable, had been specifically exempted herefrom.

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### Section 7.2 Effect on Prior Ordinances

Ordinance No. 61 “An Ordinance Imposing Restriction on Parking in Designated Residential Districts and Authorizing the Conditional Issuance of Parking Permits to Residents of Such Districts”, Ordinance No. 62 “An Ordinance Concerning the Parking of Vehicles in the City of Groton” and Ordinance No. 77 “Amendment to Ordinance 62 Concerning the Parking of Vehicles in the City of Groton” are hereby repealed and replaced by this Ordinance.

### Section 7.3 Effective Date

This Ordinance shall become effective upon passage.

**WHEREAS**, the City of Groton parking regulations are outdated; and

**WHEREAS**, Ordinances 61, 62 and 77 have been reviewed and portions of these Ordinances were incorporated into this proposed Ordinance; and

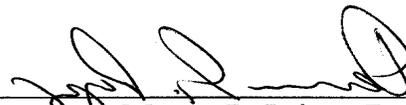
**WHEREAS**, the Mayor and Council, at its meeting held on March 3, 2004 initially approved the proposed Ordinance; and

**WHEREAS**, this Ordinance, “An Ordinance Establishing Parking Regulations in the City of Groton” was published in *The Day*, a newspaper having general circulation in the City of Groton on March 5, 2004 and March 6, 2004;

**THEREFORE, BE IT RESOLVED** that the Mayor and Council **finally** approve “An Ordinance Establishing Parking Regulations in the City of Groton”.

Initially approved: March 3, 2004

Finally approved: April 5, 2004

  
Dennis L. Poppe, Mayor

  
Debra Patrick, City Clerk