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of structures constructed expressly for use as housing for persons 55 years of age or older shall apply to the former Ashford school property in the city known as the town of Methuen, notwithstanding that the parcel does not contain 5 acres of land.

SECTION 2. This act shall take effect upon its passage.

Approved April 1, 2004.

Chapter 62. AN ACT ESTABLISHING A TRAFFIC COMMISSION IN THE CITY OF WESTFIELD.

Be it enacted, etc., as follows:

SECTION 1. There shall be in the city of Westfield a traffic commission to consist of 5 commissioners as follows: the chief of police or his designee who shall serve at the pleasure of the chief, the superintendent of public works, the city engineer and 2 representatives from the city, 1 from the residential community and 1 from the business community. The mayor shall appoint and the city council shall ratify the appointments of the members from the residential and business communities.

SECTION 2. The chief of police or his designee shall act as the chairperson of the commission for the first year. Thereafter, the chairperson shall be chosen by election of the members of the commission on or before the third Wednesday of March of each year. The commissioners shall receive no compensation for their services but all expenses incurred for the purposes of this act shall be paid by the city. All statutes and ordinances applicable generally to the departments of the city not inconsistent with this act shall apply to the commission.

SECTION 3. When the traffic commission is first constituted, the term of the representative of the business community shall be from the date of appointment to the third Wednesday of the month of March following completion of 1 full year of service and 3 years thereafter; the term of the representative of the residential community shall be from the date of appointment to the third Wednesday of the month of March following completion of 2 full years of service and 3 years thereafter. The members shall serve until a successor is duly qualified and appointed. An appointment to fill a vacancy in such a position shall be for the unexpired term of the member who is being replaced. The police chief or his designee, the city engineer and the superintendent of public works shall serve while in office. The commission shall meet quarterly on the third Wednesday of March, June, September and December with special meetings called by the chairperson when deemed necessary.

SECTION 4. The traffic commission shall have such authority as provided in this act, to adopt, amend, alter and repeal rules and regulations, not inconsistent with the General Laws and this act, relative to vehicular street traffic and parking in the city and to the move-

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ment, stopping or standing of vehicles on, and their exclusion from, any street, way, highway, road or parkway under the control of the city, including rules and regulations designating any way or part thereof under the control of the city as a throughway under and subject to section 9 of chapter 89 of the General Laws and may prescribe penalties not exceeding \$200 for the violation of any rule or regulation adopted under this act. No such rule or regulation, except such special rules and emergency regulations as are declared and adopted pursuant to section 6, shall take effect until published once in each of 2 successive weeks in 1 or more newspapers of general circulation in the city. No rule or regulation approved by the traffic commission shall be effective until the traffic commission has first sent a report to the city council setting forth the rule or regulation or rules and regulations that that commission has voted to approve and the city council has voted thereon. In such vote, the city council may approve or reject each separate rule or regulation as presented without approving or rejecting the entire report but the city council shall not alter, amend or modify any rule or regulation as proposed in such report. Upon vote of the city council with approval of the mayor, such rules and regulations as approved shall have the force and effect of law and may be enforced. Nothing in this act shall be construed to authorize the commission to adopt any rule or regulation to modify or limit any power or authority of the state department of public works or the state department of public utilities or any power now vested in the mayor, city council or heads of departments with reference to the issuance of licenses or permits for the opening, using or occupying of streets and sidewalks.

SECTION 5. The commission shall have power to erect, make and maintain or cause to be erected, made and maintained, traffic and parking signs, signals, markings and other devices for the control of such traffic and parking in the city and for informing and warning the public as to rules and regulations adopted hereunder, subject, however to section 2 of chapter 89 of the General Laws.

SECTION 6. Notwithstanding sections 5 and 6, in the event of an urgent need required by considerations of public safety, the police chief may issue an emergency declaration adopting a temporary rule or regulation, not inconsistent with the General Laws, relative to vehicular street traffic and parking and the movement, stopping or standing of vehicles on any street, way, highway, road or parkway under the control of the city and may authorize installation of temporary traffic control signs or other temporary traffic control devices in conformity therewith. Upon issuance of such a declaration, a copy thereof shall be transmitted to the traffic commission for its consideration. Any such declaration shall expire as of the date of the regular traffic commission meeting next following the date of issuance of the declaration.

SECTION 7. All existing ordinances and regulations, relating to the control of vehicular traffic and parking shall remain in full force and effect until superseded by rules and regulations adopted by the traffic commission under this act and the adoption thereof by the commission shall not affect any act done or right accrued or penalty incurred or any suit.

Approved April 1, 2004.