

## ARTICLE 2. LOCAL HEALTH OFFICERS

- § 1278. [1] County and municipal health officers; county board of health; reports by physicians.
1279. [2] Full-time county and municipal health officers; full-time public health nurse; levy.
1280. [3] Counties, or counties and municipalities, may combine in employment of officers and installation and maintenance of equipment; combined local boards of health.
1281. [4] State board of health may supplant local health authority; removal of delinquent local officer.
- 1281a. [5] Contracts for public health services and facilities.

§ 1278. [1] **County and Municipal Health Officers; County Board of Health; Reports by Physicians.**—It shall be the duty of the state public health council, upon the recommendation of the county court of the county, to appoint in each county of this State a legally qualified physician, who shall be known as the county health officer. It shall also be the duty of the public health council, upon the recommendation of the municipal council or other governing body of any municipality, to appoint in such municipality a legally qualified physician who shall be known as the municipal health officer: Provided, however, that no municipality organized and existing without a special charter from the legislature and located within a county which maintains a full-time county health officer, shall appoint a part-time municipal health officer. The county and municipal health officers in office on the date this Code becomes effective shall, unless sooner removed, continue to serve until their respective terms expire, and their successors have been appointed and have qualified. Beginning on the first day of July, nineteen hundred and thirty-three, and on the first day of July of each fourth year thereafter, a county health officer shall be appointed as aforesaid to serve for a term of four years, unless sooner removed by the said county court or by the public health council. Beginning on the first day of July, nineteen hundred and thirty-one, and on the first day of July of each alternate year thereafter, a municipal health officer shall be appointed as aforesaid to serve for a term of two years, unless sooner removed by the said municipality or by the public health council. Should the public health council fail to confirm the nomination of the person recommended as county or municipal health officer, or should the public health council or the county or municipal authority remove any such officer, another nomination shall at once be made to the public health council by the nominating authority.

The county health officer shall receive an official salary of not less than three hundred dollars per annum, and such other amount as the county court may add for additional services, and actual necessary traveling expenses, unless for work specially done under orders of the state department of health. The salary of the county health officer shall be paid out of the treasury of the county. It shall be the duty of every practicing physician to report to the municipal health officer, where there is such official, immediately on diagnosis, every case of communicable or infectious disease that may arise or come under his treatment within the municipality, and to the county health officer cases occurring outside of the municipality, and also, where there is no municipi-

pal health officer, cases occurring within such municipality. The health officer receiving such reports shall make to the state health department a weekly report of all such cases, stating the number of each kind of disease reported, the action taken to arrest the infection, and the result.

The county health officer together with the president of the county court and the prosecuting attorney shall constitute the county board of health, of which the county health officer shall be the executive officer. The county board of health shall exercise all the powers, and enforce all the rules and regulations of the state public health council, so far as applicable to such county. In a county which has a full-time county health officer, the jurisdiction of the county board of health and of the county health officer shall be coextensive with the county, and shall include every city, town and village therein which does not have a full-time health officer of its own, but shall not include any city, town or village therein which has such full-time health officer. But in a county which has a part-time health officer only, the jurisdiction of the county board of health and of such part-time health officer shall not extend to any city, town or village therein having a full-time or part-time health officer of its own. All county and municipal boards of health and health officers shall be secondary to the state public health council, and subject to all orders of such public health council, which may, if deemed expedient, act through the county and municipal boards.

Any failure to comply with any of the provisions of this section shall constitute a misdemeanor, and, upon conviction thereof, the offender shall be fined not more than one hundred dollars.

**§ 1279. [2] Full-Time County and Municipal Health Officers; Full-Time Public Health Nurse; Levy.**—The county court of any county or the municipal council or other governing body of any municipality shall have the power and authority to provide for a full-time county or municipal health officer and the expenses of his administration, and for that purpose may levy a county or municipal tax, as the case may be, of not exceeding three cents on each one hundred dollars' assessed valuation of the taxable property in such county or municipality according to the last assessment thereof. Such health officer shall be a legally qualified physician, and shall be nominated and appointed in the manner provided in section one of this article. He shall devote his entire time to the duties of his office in protecting and supervising the general health and sanitation of his county or municipality, including medical attendance by the county health officer upon the indigent of the county in the infirmary, and shall perform such duties in relation thereto as may be prescribed by order of the county court or ordinance of the municipality duly entered or enacted, or by order of the state public health council.

The county court of any county or the municipal council or other governing body of any municipality which has not provided for a full-time health officer, may provide for a full-time public health nurse and the expenses of her administration, and for that purpose may levy a county or municipal tax, as the case may be, of not exceeding two cents on each one hundred dollars assessed valuation of the taxable property in such county or municipality according to the last assessment thereof. Such public health nurse shall be a legally qualified nurse suitably trained in sanitary science and her qualifications shall be satisfactory to the state public health council. She shall be nom-

inated and appointed in the manner provided in section one of this article. She shall devote her entire time to the duties of her office in protecting and supervising the general health and sanitation of her county or municipality, and shall perform such duties in relation thereto as may be prescribed by order of the county court or ordinance of the municipality duly entered or enacted, or by order of the state public health council.

**§ 1280. [3] Counties, or Counties and Municipalities, May Combine in Employment of Officers and Installation and Maintenance of Equipment; Combined Local Boards of Health.**—Any two or more counties, or any county or counties and any one or more municipalities within the said county or counties, may combine to cooperate with the state department of health, by vote of the county court in the case of a county and by vote of the council or other governing body in the case of a municipality, and may participate in the employment of trained health officers and other agents and employees, or in the installation and maintenance of a common laboratory and other equipment. Whenever any such units shall decide so to cooperate and shall appropriate a sum or sums of money for such joint or cooperative action, the state department of health is authorized and empowered to pay over and contribute to such cooperating units, and the cooperating units are authorized and empowered to receive and expend for public health purposes, such sum or sums of money as may be available from funds included in appropriations made for the state department of health for such purpose: Provided, That the general plan of cooperation, as well as the principal health officer, executive agent or laboratory director employed by the cooperating units, shall first have been approved by the state board of health. The amount of any such payment or contribution by the state department of health to such cooperating units shall be determined in accordance with regulations established by the state board of health. Such regulations shall provide a method for determining the amount of any payment or contribution, and this method shall be uniformly applied in determining the amount of any payment or contribution to any such local governmental unit or units.

Each county or municipality participating in any such cooperative action shall select and appoint by vote of the county court in the case of a county, and by vote of the council or other governing body in the case of a municipality, not less than one nor more than three persons to be members of a combined board of health. No such person shall be selected by, nor represent on, any such combined board, more than one such county or municipality. The number of persons to be selected by each participating county or municipality as members of such board, subject to the limitation contained in the two preceding sentences, shall be agreed upon by the several counties or municipalities participating.

All members of such combined board of health shall be appointed for terms of five years each, except that the persons first appointed pursuant to the provisions of this section, if more than one such person is appointed at the same time by any one county court or municipal governing body, shall be individually designated to serve for terms of one, two, and three years, respectively, and if only one such person is appointed at such time by each participating county or municipality, the several participating counties or municipalities shall initially appoint such persons to serve for individually designated terms, which shall be agreed upon by the several appointing authorities, of one, two,

three, four and five years, respectively. Upon the expiration of the term of such initial appointments, the term of each new appointee shall be five years. Any vacancy on such board shall be filled by appointment, by the original appointing authority, for the unexpired term. All members shall serve until their duly qualified successors have been appointed. The number of members of such board belonging to one political party shall not exceed by more than one the number of members of such board belonging to any other political party.

All members of any such board shall be citizens and residents of the county or municipality they are appointed to represent. All members shall be eligible for reappointment.

No member of such board may be removed from office during the term for which he is appointed, except for official misconduct, incompetence, neglect of duty or gross immorality.

No member of such board shall receive any compensation for his services, but each may be reimbursed for actual and necessary travel and other expenses necessarily incurred by him in the performance of his duties as a member of such board.

Any such combined board of health shall consist of the several members so selected. Such board shall organize by electing a chairman from among its members. It shall have the power to adopt, and from time to time amend, such rules and regulations as it may deem necessary concerning the time and place of its meetings, the procedure and method of conducting its meetings or business, and any other matters affecting, or necessary to, the orderly and efficient discharge of its duties or exercise of its powers. All powers and duties belonging to or vested in county boards of health or municipal boards of health under any provisions of this code are hereby vested in, conferred upon, and declared to be, the powers and duties of any combined board of health created pursuant to the provisions of this section. All powers and duties belonging to or vested in county or municipal health officers, so far as they are applicable and not in conflict with the provisions of this section, are hereby vested in, conferred upon, and declared to be, the powers and duties of any health officer appointed and employed by any combined board of health. Any health officer or other employee appointed or employed by any combined board of health shall be employed and serve, and may be discharged, at the will and pleasure of such board. The territorial jurisdiction of any such combined board of health shall be coextensive with the boundaries of all of the counties and municipalities which have been combined to cooperate as herein provided.

Upon the formation of a combined local board of health as herein provided, and during the period that it continues to exist, there shall be no separate county board of health or municipal board of health in any county or municipality represented on the combined board of health.

**§ 1281. [4] State Board of Health May Supplant Local Health Authority; Removal of Delinquent Local Officer.**—When, in the opinion of the state board of health, any local health authority shall fail or refuse to enforce necessary laws and regulations to prevent and control the spread of communicable or infectious disease declared to be dangerous to the public health, or when, in the opinion of the said state board, a public health emergency exists, the

state board may enforce its rules and regulations within the territorial jurisdiction of such local health authorities, and for that purpose shall have and may exercise all the powers given by law to local health authorities. All expenses so incurred shall be a charge against the counties, cities, or towns concerned. And in such cases the failure or refusal of any local health officer or local health body to carry out the lawful orders and regulations of the state board of health shall be sufficient cause for the removal of such local health officer or local health body from office, and upon such removal the proper county or municipal authorities shall at once nominate a successor, other than the person removed, as provided by law.

**§ 1281a. [5] Contracts for Public Health Services and Facilities.**— Any municipality, county or board of education, may contract with any local board of health created, operated or existing under any provision of this chapter, for the rendering or providing of local health services or for the use of public health facilities. Any such contract may provide for payment, by such municipality, county or board of education, to such local board of health for such services or the use of such facilities, of a fixed sum of money on an annual, quarterly, or other periodic basis.

All of such contracts shall be in writing and limited in duration to not more than one fiscal year, with provision for renewal, by agreement of the parties, for successive like periods.

**ARTICLE 2-a. ALTERNATIVE METHOD OF ORGANIZING LOCAL HEALTH AGENCIES.**

- § 1281(1). [ 1 ] County and municipal boards of health authorized; jurisdiction.
- 1281(2). [ 2 ] Membership and organization of county and municipal boards of health; appointment and qualification.
- 1281(3). [ 3 ] Powers and duties of county and municipal boards of health.
- 1281(4). [ 4 ] County or municipal health officers, health personnel and other employees; appointment or employment, term, qualification and compensation.
- 1281(5). [ 5 ] Powers and duties of county or municipal health officers; reporting contagious or infectious diseases.
- 1281(6). [ 6 ] County and municipal health officers, levy; receipt and disposition of funds by local boards of health.
- 1281(7). [ 7 ] Charges by local boards of health for inspection of milk distribution, production or pasteurization facilities outside of state.
- 1281(8). [ 8 ] State board of health may supplant local health authority; removal of delinquent local officers.
- 1281(9). [ 9 ] Obstructing health officers and others in enforcement of health laws; penalty.
- 1281(10). [10] Penalties for violating provisions of article; jurisdiction of justices.
- 1281(11). [11] Severability.

§ 1281(1). [1] **County and Municipal Boards of Health Authorized; Jurisdiction.**—Any county or municipality may in its discretion, and in lieu and instead of the local board of health provided for in article two of this chapter, create, establish and maintain a county board of health or a municipal board of health organized pursuant to, and with the powers and duties prescribed by, the provisions of this article. Such county board of health may be created and established by the county court, and such municipal board of health may be created and established by the governing body of the municipality. The jurisdiction of such county board of health shall be co-extensive with the territorial limits of the county and shall include every city, town, and village therein which does not have a full time health officer of its own employed in the manner, for the purpose, and to perform the duties set forth in this article. The jurisdiction of such municipal board of health shall be coextensive with the territorial limits of the municipality and an area including all points within a distance of one mile from the limits of the municipality. The jurisdiction of any county board of health, or of any combined local board of health established pursuant to the provisions of section three, article two of this chapter, shall not extend to or include any area within the jurisdiction of any municipal board of health which has established and is maintaining a separate full time municipal health department under the supervision of a municipal health officer.

In any county in which there is created and established a county board of health pursuant to the provisions of this article, the county board of health provided for in article two of this chapter shall cease to exist and shall be abolished during such period of time as the county board of health provided for in this article is maintained and continued in existence.

§ 1281(2). [2] **Membership and Organization of County and Municipal Boards of Health; Appointment and Qualification.**—A county board of health

or municipal board of health created and established under the provisions of this article shall be composed of five members appointed by the county court or the governing board of the municipality. Where any county board of education contributes funds to a county court or a municipality, which creates such board of health, for health purposes, such board of education may nominate one member of such local board of health. Such nominee shall be appointed to such board of health by the appointing authority, if otherwise qualified. In the event such nominee is rejected by the appointing authority, or in the event his position on the board of health is vacated during the term for which he is appointed, such county board of education may nominate another person, who, if otherwise qualified, shall be appointed to the board of health by the appointing authority. In the event such county board of education fails or refuses to nominate some person for such appointment within thirty days of the date of the receipt of a request, in writing, from the appointing authority, for a nomination, the appointing authority shall proceed to make such appointment without any nomination by the county board of education.

All members of any such board of health shall be citizens and residents of the county or municipality they are appointed to represent. No more than three of the members of such board shall belong to the same political party, nor shall more than two of such members be residents of the same magisterial district or municipal ward, nor shall more than two such members be personally and individually licensed in, engaged in, or actively participating in or carrying on, the same business, profession, or occupation. All members shall be eligible for reappointment.

All members of such board shall be appointed for terms of five years each, except that the persons appointed when the board is initially created shall be individually designated to serve for terms of one, two, three, four and five years, respectively. Upon the expiration of such initial appointments the term for each new appointee shall be five years. Each member shall serve until the appointment of his duly qualified successor. Any vacancy on such board shall be filled by appointment for the unexpired term.

Such county or municipal board of health shall organize by electing from its members a chairman who shall serve as such for a period of one year. Such chairman shall have the power to sign documents, execute contracts and otherwise act for and in the name of such board in all matters within its lawful powers and duly authorized by a majority of its members.

No member of such board may be removed from office during the term for which he is appointed except for official misconduct, incompetence, neglect of duty or gross immorality: Provided, however, That the revocation of a professional license issued by this state to any such member shall be sufficient reason and cause for the removal of such member from office.

No member of such board shall receive any compensation for his services but each may be reimbursed for actual and necessary travel and other expenses incurred by him in the performance of his duties as a member of such board.

**§ 1281(3). [3] Powers and Duties of County and Municipal Boards of Health.**—County or municipal boards of health created and established pursuant to the provisions of this article shall direct, supervise, and control all matters relating to the general health and sanitation of their respective counties or municipalities, and shall possess and exercise such power in relation thereto as may be exercised and is possessed by the state board of health, so far as such powers are applicable to such county or municipality. Such local boards of health shall also have the power and authority to adopt and promul-

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gate and from time to time amend such rules and regulations, consistent with the laws of this state and the rules and regulations of the state board of health, as may be necessary and proper for the protection of the general health of the county or municipality and the prevention of the introduction, propagation and spread of disease therein. All such rules and regulations shall be filed, in the case of a county board, with the clerk of the county court, and in the case of a municipal board, with the clerk, recorder, or similar officer of the municipality. Such rules and regulations shall be kept by such clerk or recording officer in a separate book and shall be public records.

It shall be the duty of such local boards of health to protect the general health and supervise and control the sanitation of their respective counties and municipalities; to enforce the laws of this state pertaining to public health, and the rules and regulations of the state board of health, insofar as they are applicable to such counties or municipalities, and to perform such duties in relation to public health as may be prescribed by order of the county courts of such counties or ordinances of such municipalities, consistent with the public health laws of this state and the regulations duly adopted by the state board of health. All such local boards of health receiving state or federal funds for health purposes shall first receive approval by the state board of health of their general plans of operation for health purposes. The state board of health may, if deemed necessary or expedient by it, act through any county or municipal board of health created, established and operated pursuant to the provisions of this article.

**§ 1281(4). [4] County or Municipal Health Officers, Health Personnel and Other Employees; Appointment or Employment, Term, Qualification and Compensation.**—A county or municipal board of health, created and maintained pursuant to the provisions of this article, shall have the power to appoint a health officer to serve for an indefinite term at the pleasure of the appointing county or municipal board of health. Such health officer shall be a physician licensed or eligible for licensure as a physician in this state. He shall be skilled in the science of preventive medicine and sanitation. He shall receive such compensation, to be paid out of the county or municipal treasury, as may be determined by such county or municipal board of health, and approved by the county court or municipal governing body.

Any such county or municipal board of health as is mentioned in the preceding paragraph shall have the power to employ such technical, administrative, clerical, and other employees as such board may deem necessary. All such employees shall be employed for such period of time as may be determined by such board, and shall be suitably trained in public health practices. Such employees shall perform such duties in relation to public health as may be prescribed by any order, rule or regulation of the county or municipal board of health, the public health laws of this state or the regulations of the state board of health.

Any such county or municipal board of health may, with the consent and approval of the county court or municipal governing body creating and maintaining such local board of health, establish and adopt a merit system for any or all employees of the county or municipal health department. Such merit system may be similar to the state merit system and may be established by the local board by its order, subject to the approval of the county court or municipal governing body, adopting and making applicable to the local health department all, or such portion, of any order, rule, standard, or compensation rate in effect in the state merit systems as may be desired by the local board of health and as it may consider properly applicable to the local health department.

**§ 1281(5). [5] Powers and Duties of County or Municipal Health Officers; Reporting Contagious or Infectious Diseases.**—The county or municipal health officer appointed by any local board of health created pursuant to the provisions of this article shall be the executive officer of such board of health. Under the supervision of the board he shall administer the provisions of this article, all other laws of this state relating to public health and applicable to his county or municipality, and the rules, regulations and orders of such county or municipal board of health, and of the state board of health, so far as such rules, regulations and orders are applicable to his county or municipality.

Such health officer shall attend, but not vote, at all meetings of his county or municipal board of health. He shall act as secretary of such board and shall be in charge of its offices. He shall supervise and direct the activities of county or municipal health services, employees, and facilities: Provided however, That the duties of such health officer shall not include the rendering of medical or surgical services on an individual basis to wards of the county or municipality or to inmates of any public institution operated or maintained by any county court or municipality.

It shall be the duty of every practicing physician to report to the municipal health officer, where there is such official, immediately on diagnosis, every case of communicable or infectious disease that may arise or come under his treatment within the municipality, and to the county health officer cases occurring outside of the municipality, and also, where there is no municipal health officer, cases occurring within such municipality. Any health officer receiving such reports shall make to the state director of health a weekly report of all such cases, stating the number of each kind of disease reported, the action taken to arrest the infection and spread of the disease, and the result.

**§ 1281(6) [6] County and Municipal Health Officers, Levy; Receipt and Disposition of Funds by Local Boards of Health.**—The county court of any county or the governing body of any municipality in which a county or municipal health officer is appointed pursuant to the provisions of this article, shall have the power and authority to provide funds for the payment of such health officer and the expenses of his administration, and for that purpose may levy a county or municipal tax, as the case may be, of not exceeding three cents on each one hundred dollars' assessed valuation of the taxable property in such county or municipality according to the last assessment thereof.

Any county or municipality may, whether it has exercised the power to lay the special levy hereinbefore provided for or not, appropriate and expend money from the county or municipal general fund for public health purposes and to pay the expenses of operation and administration of a county or municipal board of health and the public health facilities operated thereby or in conjunction therewith.

Any county or municipality in which there is a board of health created and maintained pursuant to the provision of this article, may accept, receive and receipt for money or property from any federal, state, or local governmental agency, or from any public or private source, to be used for public health purposes, or for the establishment or construction of public health facilities. The state department of health is hereby authorized and empowered to pay over and contribute to any board of health created and maintained pursuant to the provisions of this article such sum or sums of money as may be available from funds included in appropriations made from the state department of health for such purpose. The amount of any such payment or con-

tribution by the state department of health to any such local board of health shall be determined in accordance with regulations established by the state board of health. Such regulations shall provide a fixed formula for determining the amount of any payment or contribution, and this formula shall be uniformly applied in determining the amount of any payment or contribution to any such local board. All moneys accepted by any county or municipality pursuant to the provisions of this paragraph shall be deposited in the county or municipal treasury, and unless otherwise prescribed by the authority from which the money is received, shall be kept in separate funds, designated according to the purposes for which the money was made available, and held by the county or municipality in trust for such purposes: Provided, however, That nothing contained in this section shall be construed to conflict with the provisions of section fifteen, article one, chapter sixteen of this code.

Expenditures from the county or municipal public health funds established under this article shall be paid out by the county or municipal treasurer upon submission of vouchers approved by the county or municipal board of health and signed by the county or municipal health officer.

**§ 1281(7). [7] Charges by Local Boards of Health for Inspection of Milk Distribution, Production or Pasteurization Facilities Outside of State.**—Any local board of health, whether created and maintained pursuant to the provisions of this article or article two of this chapter, may cause an inspection to be made of the physical plant and facilities of any distributor, producer, or pasteurizer of milk whose milk distribution, production, or pasteurization plant or facilities are located outside of this state but who sells or distributes in this state, or transports, or causes or permits to be transported into this state, milk, or milk products, for resale, use or consumption in this state and within the territorial jurisdiction of such local board of health. The local board of health may charge to, and collect from, such distributor, producer, or pasteurizer of milk, all of the expense of such inspection.

The amount of such charge for expense of inspection shall be based on the number of inspections made, mileage traveled, and time consumed by the inspecting official in traveling to and from the place of the inspection and in actually making the inspection.

Provided, however, That in any case in which such milk distribution, production, or pasteurization plant or facilities are regularly inspected in the course of a regular inspection schedule or itinerary by any duly authorized representative of any agency of this state or its governmental subdivisions, or any agency of any other state or its governmental subdivisions, which has been certified as an approved inspection agency by the state board of health of this state, no charge for expense of inspection shall be made by any local board of health unless it is the agency making the regular inspection. In any event, not more than one local board of health shall act as, and be deemed, the regular inspection agency for any such milk distribution, production, or pasteurization plant or facility. Where two or more agencies each include any such plant or facility in a regular inspection schedule or itinerary the state board of health shall designate one of such agencies as the regular inspection agency for such plant or facility.

**§ 1281(8). [8] State Board of Health May Supplant Local Health Authority; Removal of Delinquent Local Officers.**—When, in the opinion of the state board of health, any local health authority shall fail or refuse to enforce laws and regulations necessary to prevent and control the spread of communicable or infectious disease declared to be dangerous to the public health, or when, in the opinion of the state board, a public health emergency exists, the state board may enforce its rules and regulations within the

territorial jurisdiction of such local health authority, and for that purpose shall have and may exercise all the powers given by law to local health authorities. All expenses so incurred shall be a charge against the counties, cities, or towns concerned. And in such cases the failure or refusal of any local health officer or local health body to carry out the lawful orders and regulations of the state board of health shall be sufficient cause for the removal of such local health officer, or local health body or its members, from office, and upon such removal a successor or successors to the person or persons removed shall immediately be appointed in the manner, and for the term, provided for in this article.

**§ 1281(9). [9] Obstructing Health Officers and Others in Enforcement of Health Laws; Penalty.**—Every person who wilfully opposes or obstructs any health officer, public health nurse, sanitarian, or any other person charged with the enforcement of any health law, in the performance of such officer or person's legal duty in enforcing such law, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than thirty days or both.

**§ 1281(10). [10] Penalties for Violating Provisions of Article; Jurisdiction of Justices.**—Any person wilfully violating any of the provisions of this article, for which a penalty is not otherwise provided, or any of the rules, regulations or orders adopted or issued pursuant thereto, shall be guilty of a misdemeanor, and upon conviction shall be punishable by a fine of not more than two hundred dollars or by imprisonment for not more than thirty days or both.

Justices of the peace shall have concurrent jurisdiction with circuit and criminal courts for the enforcement of the provisions of this article and any rules, regulations, or orders, lawfully adopted, promulgated or issued pursuant thereto.

**§ 1281(11). [11] Severability.**—If any provision of this article, or the application thereof to any person or circumstance, shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this article which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this article are declared to be severable.