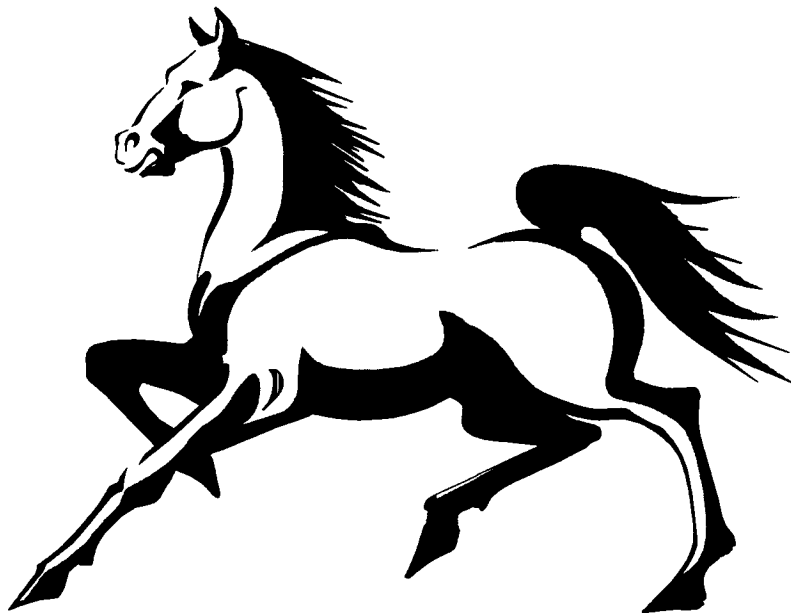


KEN-CARYL EQUESTRIAN CENTER

Facility Rules



March 2016

KEN-CARYL RANCH EQUESTRIAN CENTER

MISSION STATEMENT

TO PROVIDE THE HIGHEST-QUALITY HORSE CARE.

**TO PROVIDE A SAFE, WELL-MAINTAINED FACILITY AVAILABLE
TO ALL RANCH RESIDENTS.**

**TO PROVIDE THE OPPORTUNITY FOR MULTI-DISCIPLINED RIDING
INTENDED FOR THE BEGINNER, NOVICE AND INTERMEDIATE
RIDER TO RIDE, TRAIN AND LEARN ABOUT HORSES.**

I. ASSUMPTION OF RISK

- All boarders, permittees, guests and other users of the Equestrian Center, Ken-Caryl Ranch Master Association, Ken-Caryl Ranch Metropolitan District and all other organizations or entities owning an interest in real property located within the Ken-Caryl Ranch, and their property, are hereby reminded that **equestrian and related activities may result in serious injury to person and property and that all such persons therefore assume the risk** of any and all injuries, damages, losses or costs, including attorney fees, suffered by such persons, their representatives, agents and employees, arising out of or connected in any manner to their presence on or use of the Equestrian Center, Ken-Caryl Ranch and improvement and all other property located thereon.

WARNING: Under Colorado Law, an equine professional is not liable for an injury to or the death of a participant in equine activities resulting from the inherent risks of equine activities, pursuant to section 13-21-119, Colorado Revised Statutes.

RIDING HELMET WARNING: You are hereby warned by Ken-Caryl Ranch Equestrian Center that all horse handlers and riders should purchase and wear properly fitted and secure protective headgear (equestrian riding helmet) and that wearing of such headgear while mounting, riding, jumping, trick riding, dismounting and being around horses may prevent or

reduce severity of some head injuries and may prevent death happening as a result of a fall or other occurrence. Hard soled shoes with a heel and a helmet must be worn by EVERYONE while jumping and/or trick riding as well as having a current Contract and Release of Liability, signed by a legal guardian, on file.

It is the responsibility of all boarders, permittees, guests and other users of the Equestrian Center to sign a waiver prior to any usage of the facility. Waivers are available in the Center lobby.

II. VISITORS TO THE CENTER

Anyone riding a horse at the Center must complete a liability release agreement (available in the Center office) and submit it to the office staff. Non-member, non-boarders may use the facilities at the Center when accompanied by a member or boarder, provided a release of liability is on file with the management. A per-horse, per-day facility use fee is required when horse(s) are trailered in. Please see annual rate sheet.

Visitors are welcome at the Equestrian Center year round 7 am to 7pm. Children under 9 must be supervised at all times by an adult on the ground, not a mounted rider. Please use courtesy and good sense.

Non-member, non-boarders may use the Open Space Trails when accompanied by a member or boarder. A release of liability must be on file with the Center management. No fee is required for Open Space Trail use.

Horses are permitted to be trailered to the Center for horse shows and events and are subject to an \$15.00 trailer-in fee.

All participants not boarded at the Center must provide the manager, *in advance* of the horses' arrival, with a copy of a negative Coggins test for all horses entering the Center for their event. All Coggins tests must be no older than 12 months prior to the horses' arrival to the Center.

Persons who are intoxicated or under the influence of alcohol or intoxicating substances are not permitted on or around the Equestrian Center. Any instructor or the Equestrian Center Manager may require any person who is, or is suspected of being, intoxicated or under the influence of intoxicating substances to leave the Equestrian Center. Evidence of intoxication includes, but is not limited to, euphoria/excitability, reduced inhibitions, drowsiness/sedation, dizziness, headaches, poor coordination, impaired judgment, attention and memory, blurred vision, slurred speech, muscle weakness/lethargy, nausea/vomiting, slowed breathing and heart rate, agitation/aggression, disorientation/confusion, hallucinations/delusions, delirium, and/or decreased level of consciousness.

Any instructor or the Equestrian Center Manager who has a reasonable belief that a person on the Equestrian Center premises is intoxicated or under the influence of alcohol or intoxicating substances has the right to take such action as she/he deems necessary to provide for the safety and welfare of other users of the Equestrian Center, the instructors, horses, or the intoxicated person, and prevent the use of the Equestrian Center by such person. Such actions include, but are not limited to:

- Removing such person from any lesson in which he/she is participating;
- Requiring such person to stop any activity in which he/she is participating at the Equestrian Center and remove themselves from the Equestrian Center;
- Suspending or not commencing any lesson which such person is participating in or is scheduled to participate in;
- Providing for the removal of such person, including by arranging for transportation at the intoxicated person's expense;
- Calling Jefferson County Sheriff for assistance.
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III. EQUESTRIAN CENTER BOARDING AND USE

Ken-Caryl Equestrian Center has established procedures for boarding at The Equestrian Center. These procedures apply to people wishing to board a new horse at the Center or move a horse to a new location within the Center.

A. Descriptions of Boarders

1. **Member Boarder-** A member boarder is classified as any person owning or renting property within the Ken- Caryl community, or trainers that train at Ken-Caryl Equestrian Center.
2. **Sponsored Non-Member Boarder-** A sponsored non-member boarder is classified as any person that **does not** own or rent property within the Ken-Caryl community, but does know an individual that owns within the community who is willing to sponsor them as a boarder. Sponsored non-member boarders pay an additional \$20.00 fee each month.
3. **Sponsor-** A sponsor is an individual who owns property within the Ken-Caryl Community and is willing to sponsor a non-resident boarder.

A member boarder will always have priority over a sponsored non-member boarder including movement within the center.

B. Boarding Rules

1. Trading of assigned location is not permitted unless authorized by management. Permanent trading of boarding spaces is reviewed by the Manager on an individual basis, and a boarding agreement signed by both parties involved in the trade must be on file with the Manager. It is the responsibility of the person needing the trade to identify a boarder willing to trade with them, and that horse must remain under a boarding contract with that person, for a period of 3-months or the contract on that space will be terminated.

- 2 A change in horse ownership shall not necessitate a change in boarding, however, all boarders who sell a horse and wish to surrender their space to the buyer may only surrender their space to a member, and that horse must remain under a boarding contract with that person, for a period of 3-months or the contract on that space will be terminated.

C. Boarding Requirements

1. All horses initially arriving to board or use the Center are required to provide the manager with the following; Horses that arrive without this information may be turned away or confined to a stall until the information is presented.
 - a. Proof of ownership.
 - b. Signed boarding contract or lease agreement
 - c. Copy of the negative test results from a Coggins test for Equine Infectious Anemia (EIA) that has been performed within the previous 12 months.
 - d. Dates and type of inoculations and de-worming the horse received in the previous 6 months.
 - e. Name and telephone number of the current veterinarian for the horse.
2. It is the responsibility of the horse owner to provide the following to the manager:
 - a. A list of the names of all people authorized to handle or ride their horse.
 - b. A current Ken-Caryl Ranch Contract and Release of Liability must be on file with the Manager for all persons authorized by the owner to handle or ride their horse.
 - c. All authorized parties must have a receipt on file with the Manager acknowledging that they have received a copy of the Ken-Caryl Ranch Equestrian Center Facility Rules.
 - d. An Emergency Medical Release form which lists the names and phone numbers of people who are authorized to call the vet or designate specific medical treatment for the horse if the Center is unable to contact the owner.

D. Isolation Requirements for Incoming Horses

An isolation period of no less than 5 days is required for all incoming horses may be extended if circumstances arise that warrant additional days. This time period will ensure that the horse is healthy to enter into the general horse population at the facility.

1. Isolation stalls & pens are on a first-come, first-served basis and must be reserved through the Manager.
2. Owner of incoming horse must coordinate arrival date and time with the Manager to ensure a smooth transition into the facility.
3. Management reserves the right to “tag” a horse in isolation to ensure the rules of isolation are being followed.
4. A horse in isolation must remain in the isolation area and not come into contact with the general horse population at the facility.
5. If you wish to lunge your isolation horse you must schedule time through Management to lunge in one of the outdoor arenas as long as there are no other horses in the arena. No isolation horse will be allowed to be in the indoor arena.
6. Isolation horses are not allowed to be ridden within the facility due to tacking and scheduling conflicts.
7. Owners that break the isolation rules are subject to a fine or immediate termination of their boarding contract and will not be allowed to remain at the Center.

E. Health Requirement

1. Horses that board or use the Center and are *absent* from the Center for a period that exceeds 12 continuous months are required to provide the above current documentation to the manager before boarding or using the Center.
2. All horses boarded at the Center are required to receive spring and fall vaccinations and de-worming within a time frame specified by management.
3. When a horse becomes sick with a contagious disease the horse owner must have their veterinarian contact the Center manager immediately. The Center encourages each horse owner to be responsible for the health of their horse and considerate of the health of all other horses at the Center by limiting contact with other horses that may spread a

contagion. The Center only mandates isolation and treatment of a sick horse under the advice of the attending veterinarian.

4. If the need arises for additional inoculations or treatment owner will be notified by management. If arrangements are not made to take care of the additional inoculations or treatments, owner will be notified and billed for inoculations and cost of administration.

F. Wait Lists

1. A separate wait list is maintained for each of the accommodations within the Equestrian Center such as: barn stalls, pipe pens, pasture etc.
 - a. All prospective boarders should submit a request to management to place their name and the current date on the appropriate wait list. When space becomes available, management will contact member prospective boarders in priority order beginning with the name that has been on the list the longest. Member must be in good standing to be considered for a space.
 - i. The person called will be given 3 days to respond with their intent. At the end of 3 days a non refundable payment of 2/3 monthly board will need to be paid to hold the space; if the space is not claimed and payment has not been submitted in 3 days the persons name will go to the bottom of the list with the current date and the next member on the list will be called. If no member boarder wants to have the space, the first sponsored non-member on the list will be called.
 - b. The wait list is posted in the office and on the bulletin board next to the indoor arena and will be updated the first week of the month.

IV. STABLE RULES

The following rules are for the benefit of all boarders and allow Ken-Caryl Equestrian Center to run smoothly and safely.

A. Staff hours

The Center's stall cleaning and feeding operations crew is typically on duty between 7:00 A.M. and 4:00 P.M., 7 days per week. Occasions arise where this daily schedule requires minor revision. The Manager's duties require that his/her schedule be flexible. Generally, the Manager is on duty five days a week.

- B. **Hours of Operation:** The Center is open every day of the year to boarders. Outdoor arenas are available 7am to 10 pm. Indoor arena is available 24 hours each day with limited activity beyond 10 pm..
- C. Smoking is NEVER ALLOWED anywhere within the Equestrian Center.
- D. No person shall handle a horse owned by someone else without the owner's authorization (an emergency situation may be an exception). Boarders who lease their horse, or wish to have their horse or horses turned out, ridden, exercised, or otherwise handled by someone other than themselves, must first inform the Equestrian Center Management and provide lessee information.
- E. Riding double is prohibited on Equestrian Center grounds. (Exceptions arise when student and instructor are in a lesson situation, or in the case of a parent and child.)
- F. Do not tie horses anywhere except cross-ties or tie rails. Under NO circumstances is tying to the doors, feeders, blanket racks or bars acceptable. Horses may not be tied to tie rails or cross-ties and left unattended.
- G. Horses may not be left unattended in wash racks or the grooming stall.
- H. Equestrian Center users are responsible for cleaning wash racks and tie areas after every use.
- I. Clean up aisle ways, tack rooms, turn-out pens and grooming stalls immediately after use.
- J. When pitch-forks, brooms, wheelbarrows, or shovels are borrowed they must be returned to where they were found.
- K. When wheelbarrows are used, they must be emptied into the manure wagon or in the concrete manure bin on the north side of the indoor arena.
- L. The Center Manager schedules arena use, and will post a copy of the schedule in the indoor arena. It is the responsibility of all arena users to be aware of and adhere to the schedule.
- M. All non-Equestrian Center vehicles are restricted to parking lots. Vehicles are allowed in barn areas for loading and unloading only. Speed limit is 5 mph.
- N.
- O. Dogs must be on a leash and under the direct control of the owner at all times.
- P. Riding bicycles on the facility grounds is strictly forbidden.

- Q. Running of horses is not allowed on Equestrian Center grounds unless in an arena or round pen.
- R. Riding of horses on black top paths or concrete is not permitted.
- S. Do not ride or graze horses on any irrigated grass areas. These are picnic areas with sprinkler heads and could hurt a horse. Chemicals are applied to these areas frequently and could be dangerous if ingested.
- T. Farriers may work in the tack-up stall in the main barn or in the front of the school barn during non-lesson hours. They are expected to clean up after shoeing. This includes sweeping up and disposing of nails, shoes, and hoof clippings.

V. FEEDING RULES

Feeding is a management responsibility. Ken-Caryl feed rooms and hay lofts are strictly off limits.

- A. Your personal extra grain must be stored in a grain room or other designated area in a tightly sealed, stackable, vermin proof container. To help prevent rodent infestation, management can provide you free of charge, a grain bin for storage.
- B. No horse shall be fed hay or grain at tie-rails or in the arenas.

VI TACKING AND TACK ROOM RULES

- A. You must have a horse boarded at the Center to have a tack box at the Center free of charge. On a space available basis, non-boarders may rent available locker and saddle rack space. All tack storage and boxes must be approved by the Manager.
- B. **Tack rooms are not extra storage areas.** Extra pads, blankets, and other personal belongings must be in lockers.
- C. If you choose to bring your own tack box, the size and shape must be approved by the Manager. Each tack box must have the owner's name on it.
- D. One space for a tack box is available per horse boarded at the dimensions of 34" W x 30"D and a recommended height of 6'. Boarders owning more than one horse are allowed to have one oversized tack box instead of two regular sized tack boxes. The oversized tack box may not exceed 38" W x 33" D and a recommended height of 6'.
- E. You must have Management approval **PRIOR TO** moving a tack box into a tack room. *Moving a tack box into the facility without approval may result in your tack box being moved out.*

- F. Please be aware that tack rooms and tack up areas in the main barn are reserved for main barn horse residents ONLY. Pipe pen and pasture horses are to be tacked up at the numerous other tie-ups throughout the facility. The school barn is to be used for school horse tack up and for the horses that are boarded in that barn.
- G. No tacking is aisle ways in barns.

VII. ARENA USE RULES

- A. If a class is in session or begins while riders are in the arena riders will defer to the instructors wishes. Boarders should not turn out a horse to run in an arena adjacent to an arena where a class is in session.
- B. The Instructor shall be responsible for monitoring the safe use of the arena at all times during his/her use of the arena. If riders are already in the arena when the Instructor scheduled to teach in that arena enters with a class, the Instructor will approach those riders and discuss with them their intended non-lesson riding activity, and either grant permission for them to stay or ask them to leave the arena.
- C. Riders have priority over turn out in all arenas.
- D. When riding, spacing between horses should be a minimum of 10 feet in front and behind.
- E. When riding, spacing between horses should be a minimum of two horse widths on each side.
- F. When passing another rider, verbally communicate your position.
- G. Unsafe riding or unsafe situations are prohibited, no exceptions. Equestrian Center management will use it's discretion on a case-by-case basis.
- H. Do not "stand" a horse on the rail in the arenas (indoor and/or outdoor), if you must "stand" a horse, go to the center.
- I. Lunging of up to two (2) horses per arena is permitted and should be kept to a maximum of 15 minutes if *NO* riders are in the arena. If 2 horses are being lunged in an arena and a horse to be ridden enters the arena, the horse that has been lunged the longest amount of time must stop lunging.
- J. For the safety of all Center users, horses being lunged in an arena must be kept in control at all times and lunged in the center of the arena.
- K. Horses being ridden may not cross into a lunge circle

- L. The Equestrian Center staff reserves the right to limit the number of riders to a safe level.
- M. Always lead horses into arenas.
- N. Pass to the inside.
- O. When a total of 3 or more horses are being ridden in the arena, all riding must be in the same direction.
- P. All horses must remain safely under control or leave the arena.
- Q. Tacking up in the indoor arena is allowed only during inclement weather and must be accomplished without interfering with other arena users.
- R. Riders are responsible to clean up manure after riding their horses.

VIII ARENA TURN OUT RULES

- A. For the safety of all boarders and their horses, cracking of whips or any other forms of exciting a horse to run uncontrolled for whatever purpose, **will not be permitted.**
- B. If you turn out a horse in an arena, you MUST stay with it. Management reserves the right to remove the horse. Owner may be fined.
- C. Any damage (example wood chewing) to the facility is billable to the owner of the horse, on a replacement/repair cost.
- D. Supervised turn out in an outdoor arena is allowed only if the arena is empty. Turn outs in the outdoor arena are limited to 10 minutes.
- E. If a horse is turned out in any arena and another horse is waiting to be ridden, the turned out horse must leave immediately.
- F. Turn outs in the indoor arena are limited to SEVERE weather conditions and then for 10 minutes only... UNDER SUPERVISION!! Owners must clean up manure after turnout.

IX TURN OUT PEN RULES

Horses on the paid turn out schedule have priority for pen use between the hours of 7 A.M. – 3 P.M. All other users are on a first come, first served basis. Owners using turn out pens must clean pen after use. Hay that is fed in the turn out pens should be obtained from horses' AM or PM feed amounts.

X JUMP USE RULES

- A. Jumps are the property of the KCEC. Adult riders (i.e. 18 years old and older) may use the jumps at their own discretion, but should do so only in the presence of a spotter. Riders under the age of 18 are only permitted to use the jumps under the direct supervision of an instructor, or under the direct supervision of one of his or her parents or legal guardians. The supervising adult should be knowledgeable about jumping. A jump is defined as an obstacle that is elevated off the ground. After usage, the jumps must be returned to the appropriate area.
- B. Riders who use the jumps do so at their own risk. All jump users must sign a Contract and Release of Liability with Equestrian Center Management prior to usage. Parents or legal Guardians must sign for children.
- C. Riding helmets and hard soled shoes with a heel must be worn by EVERYONE while jumping and/or while trick riding. A helmet must also be worn if riding bareback. A current Contract and Release of Liability form must be signed by a legal guardian and on file by all riders.
- D. All jumps must be set up to allow other riding. There must be enough room to comfortably ride the rail in the outdoor and indoor arenas.
- E. During inclement weather one jump can remain out in the indoor arena

XI EQUESTRIAN CENTER RIDING SCHOOL POLICY

A. Riding Instructors and Safety

- 1. Ken-Caryl Equestrian Center agrees to provide a safe, instructional riding program for beginner through advanced levels of English and Western Riding. The Equestrian Center will supply the necessary tack, equipment and horses for the riding program. School horses will be provided for beginner and intermediate riding; jumping will be limited to fences of 2' and under. When the rider progresses to jumping fences over 2', it will be his/her responsibility to lease or purchase a horse for lessons. Helmets

will be provided for lessons, but students are encouraged to purchase their own.

2. The Riding Instructor shall be responsible for monitoring the safe use of the arena at all times during the lesson. If riders are already in the arena, when the Instructor scheduled to teach in that arena enters with a class, the Instructor will approach those riders and discuss with them their intended non-lesson riding activity, and either grant permission for them to stay or ask them to leave the arena.
3. If an unsafe condition develops during the Instructor's lesson, the Instructor shall make all reasonable efforts to assure the safety of students. If the Instructor determines that assistance of the Equestrian Center Manager is required, the Instructor will first secure the safety of any students and contact the Equestrian Center Manager for further instructions.

B. Lesson Scheduling

1. All lessons are booked through the Equestrian Center Office. No exceptions.
2. No more than two arenas at any time will be scheduled for lessons. No more than one group lesson in any arena at any time.
3. Scheduling of one arena between the hours of 4 p.m. and 7 p.m. Monday thru Friday is permitted. Please contact Management with any special needs.

C. Lesson Payment Plan and Cancellation

1. Lessons must be paid for on a monthly basis. All payments for lessons will be due by the 10th of the current month. A late fee of \$10 will be assessed if payment is not received by the 15th of the month. Lessons may be paid for by cash or check. Please make checks payable to K.C.R.M.A. There are no make-ups for missed lessons or for lesson program holidays; conversely, there is no additional payment due for months with five lessons.
2. All efforts to avoid cancellations will be made including indoor riding lessons and indoor un-mounted activities. Participants may call the lesson hotline at 303/972-8456 during inclement weather for announcements of cancellations.

XII INDEPENDENT INSTRUCTORS/TRAINERS

- A. A limited number of independent instructors are approved by Management to teach at KCEC. Independent instructors interested in teaching at KCEC should submit an application to the Center Manager and be interviewed. If approved for instructing, a Facility Use Agreement will be signed, and a fee structure will be negotiated according to the number of students and hours of the day when lessons will occur.
- B. All independent instructors and trainers must provide KCEC management with current documentation of required insurance and/or liability requirements prior to usage of facilities for the purpose of instructing or training.
- C. All lessons must be scheduled through the KCEC office, no exceptions.
- D. The Riding School Coordinator schedules arena use.
- E. If lessons are not scheduled and arena fees are not paid, the instructor will be suspended.
- F. If a non-member is to be instructed by a KCEC approved independent instructor/trainer, non-member is responsible for an additional \$15.00 trailer-in fee.
- G. All instructors must maintain a monthly updated list of all students and must note the student's member/non-member status. A copy must be submitted to Center Management.
- H. Independent instructor/trainers are limited to four (4) boarding spaces at the Center, including Sponsored Non-Members. One stall may be used for independent instructor/trainer personal horse. All other boarded horses must be in regular lessons and or training with that instructor/trainer
- I. If the trainer sponsors a Non-Member, that person will be subject to the additional \$20 non-member fee on their monthly board.

It is a privilege to instruct and train at KCEC. All instructors and trainers are expected to conduct themselves in a courteous and professional manner at all times. Although not employees of KCEC, independent instructor/trainers represent the riding facility and must promote and project the mission of our facility by being friendly and helpful. Failure to adhere to the above will be cause for revocation of privileges, at the discretion of Management.

XIII. RULES VIOLATIONS

A. Power.

Pursuant to the provisions of Sections 3.08, 3.10, 6.05 and 6.06 of the Amended and Restated Master Declaration of Covenants and Restrictions of the Ken-Caryl Ranch ("Declaration"), and as set forth herein, the Board of Directors shall have the power and duty to hear and make decisions regarding violations of these Ken-Caryl Ranch Equestrian Center Facility Rules ("Equestrian Center Rules").

The Board may determine enforcement action on a case-by-case basis, and take other actions as it may deem necessary and appropriate to assure compliance with the Declaration and the Equestrian Center Rules, and to create and maintain a safe and harmonious equestrian facility.

These enforcement provisions may be in addition to other specific provisions outlined in the Association's Declaration, Bylaws or Articles of Incorporation ("Documents"). The Association may choose a legal remedy or seek assistance from other enforcement authorities, such as Police, Fire or Animal Control.

B. Enforcement Procedures and Penalties.

1. First violation

For a first violation, management will impose the following:

a. Issue a verbal warning, with documentation placed in violator's file.

b. And Management may:

i. Issue a written warning with documentation placed in violator's file.

ii. Request that a hearing be scheduled upon not less than 10 days notice before the Ken-Caryl Ranch Master Association Board of Directors to consider further remedies.

2. Second violation

For a second violation, management will impose the following:

a. Issue a written warning with documentation placed in violator's file.

b. And Management may request that a hearing be scheduled upon not less than 10 days notice before the Ken-Caryl Ranch Master Association Board of Directors to consider further remedies.

3. Third, subsequent or continuous violation
For a third, subsequent or continuing violation, management will impose the following:
- a. Issue a written warning with documentation placed in violator's file,
 - b. A hearing will be scheduled upon not less than 10 days notice before the Ken-Caryl Ranch Master Association Board of Directors, to consider further remedies.
 - c. If a hearing is scheduled notice will be given as provided above and violator will be allowed to present witnesses and evidence in their defense. The Ken-Caryl Ranch Master Association Board of Directors will serve as the Hearing Panel, and may interview witnesses, or otherwise collect evidence to assist them in rendering a decision. The duties and powers of the Board pursuant to this section may be delegated to a committee of Members, directors, or both.
 - d. After this hearing the Hearing Panel may impose any or all of the following:
 - i. No additional action beyond that already taken by Management;
 - ii. Impose a special charge of not more than Fifty Dollars for each violation;
 - iii. Suspend the right of such violator and his family, guests, licensees, lessees, and invitees to use Association Property under such conditions as the Board may specify, for a period of not to exceed thirty days for each violation;
 - iv. Cause the violation to be cured and charge the cost thereof to such owner;
 - v. Obtain injunctive relief against the continuance of such violation.

C. Modification.

The Board reserves the right, from time to time, to amend or repeal these procedures and penalties, subject to any limitations placed on the Board in the Documents or by law.

D. Violations or Offenses that constitute a Present Danger.

If, in their sole discretion, the Board, the Association's managing agent or the Equestrian Center manager, or any of them, deem that any violation is or may be an immediate or substantial threat to the health, safety or welfare of the community or an individual or horse, or that a habitual offender has not previously responded to violation Notices, the Board, the Association's managing agent, or the Equestrian Center manager may take such immediate action as they deem appropriate under the circumstances to eliminate the threat, including temporary suspension of membership privileges, and may seek any remedy available at law or in equity in a Court of competent jurisdiction without prior compliance with this Section A. 3.

E. Miscellaneous.

Failure by the Association to enforce any provision of these procedures and penalties shall in no event be deemed to be a waiver of the right to do so thereafter.

The provisions of these procedures and penalties shall be independent and severable. The invalidity of any one or more of the provisions hereof by judgment court order or decree shall in no way affect the validity or enforceability of any of the other provisions, which other provisions shall remain in full force and effect.

As used herein, the term "Board" shall include any tribunal or committee appointed by the board.