

Midway City Corporation



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TO: Midway City Council

FR: Michael Henke

RE: Item 4: Town Square / Dogs

DT: September 14, 2026

This memo provides current code information regarding regulations governing dogs on the Town Square, highlighting how these rules differ from general city park regulations.

City Parks vs. Town Square Regulations

City Code applies separate standards for general city parks compared to the Town Square:

- City Parks: Generally, dogs are permitted in all city parks provided they are kept on a leash at all times. The exception is the designated off-leash dog park located at Burgi Hill Park.
- Town Square: Animals are strictly prohibited on the Town Square unless explicitly permitted by the City.

The specific governing legislation is Section 5.03.070, which states:

"No animals of any kind will be allowed on the town square except as permitted under the direction of the City."

Two items to consider include:

1. Discretionary Authority: The language is discretionary, granting the City absolute authority to control whether any animals, including dogs, are allowed on the Town Square.

Our vision for the City of Midway is to be a place where citizens, businesses and civic leaders are partners in building a city that is family-oriented, aesthetically pleasing, safe, walkable and visitor friendly. A community that proudly enhances its small town Swiss character and natural environment, as well as remaining fiscally responsible.

2. Administrative Ambiguity: The code is ambiguous regarding enforcement and approval authority. It does not specify which designated official, department, or governing body within the City holds the power to grant these permissions.

A violation of this code is a Class C misdemeanor.

The current code gives the city broad discretion of whether to allow dogs on the Town Square. It's important to have this code so the city could limit any animals on the square, including dogs. It's unlikely that on an average day when there is not an event on the Town Square that the presence of a dog would be reported to the city. If there is a large event like Swiss Days or any other events, such as concerts in the park, the city may decide to enforce the no dog/animal rule unless specific approval had been granted by the city.

Please let me know if you have any questions.