

NCA Analysis on the Current Niwot Incorporation Proposal

Statutory versus Home Rule

2026-07-25

A group of local citizens has formed a committee with the purpose of advancing a plan for the incorporation of Niwot - making Niwot a city. The committee is named "The Niwot Incorporation Committee". You can view complete details of their proposition at www.niwot.town.

As part of our commitment to inform our members and the community on issues that could impact them, the Niwot Community Association (NCA) has formed a committee to meet with stakeholders, research legal policies, and analyze each of the components of the proposal. Over the coming months we will publish results of ongoing research to help the citizens of the greater Niwot community be well informed.

The NCA did not initiate the current incorporation effort and neither endorses nor opposes it.

The NCA board does not advocate or endorse any specific issue or candidate. Information is being provided to fulfill our charter as a conduit of information so that the public can be well informed. When appropriate, the NCA will conduct community surveys to gauge sentiment, gather feedback, and collect questions for issues that need additional clarification.

Mid-term Election, November 3, 2026

With the successful filing of their petition, the Niwot Incorporation Committee has gotten a number of ballot questions onto the fall ballot. Two main ones are:

1. **Incorporation.** Organization of the territory described in the petition into a municipality under Colorado law (§ 31-2-101, C.R.S.).
2. **Home rule charter commission.** That the question of forming a nine-member charter commission be placed on the incorporation ballot, so that if voters approve incorporation, they simultaneously elect commissioners to draft a home rule charter for voter approval.

There are also revenue ballot measure issues up for vote, as well as charter commission candidates.

Possible outcomes from the November Election

If ballot question #1 regarding Incorporation:

Fails: All other items on the ballot are moot. Niwot remains part of unincorporated Boulder County.

Passes: Niwot is incorporated. The result of ballot measure #2 and resulting process will determine if the incorporation is statutory or home rule

If ballot question #2 regarding Home rule charter commission:

Fails: Niwot is incorporated as a “statutory municipality” and the election commissioners proceed to the first election of officers according to statutory rules.

Passes: A sequence of events starts:

1. A charter commission is formed of the elected candidates on the ballot
2. This commission has 180 days to draft and submit a charter for Niwot. This charter is equivalent to a constitution that defines everything about the structure of Niwot.
3. A special election is held to approve the charter

If the charter commission fails to complete its task within the 180 days, then Niwot is incorporated as a “statutory municipality” and the election commissioners proceed to the first election of officers according to statutory rules.

If the charter fails in the special election, the chartering commission can opt to revise and resubmit the charter in a second special election.

If the charter fails to pass, then Niwot is incorporated as a “statutory municipality” and the election commissioners proceed to the first election of officers according to statutory rules.

If the charter passes, then Niwot is a “Home Rule municipality”. As defined in the approved charter, another election will be held to fill government positions.

Then what happens?

Assuming ALL the measures that the Niwot Incorporation Committee petition got on to the ballot pass, Niwot could be a fully functional home rule municipality.

If any combination of the remaining measures fail, the newly elected government could:

1. Do nothing and make due
2. Take action to shore up deficiencies
3. Opt to un-incorporate due to lack of viability

What is a “Statutory Municipality”?

“A Colorado statutory municipality is a local city or town that operates under state laws defined in [Colorado Revised Statutes Title 31](#), possessing only the specific powers granted directly by the state legislature. Details regarding their organization and legal standing are outlined in the [Colorado Local Government Handbook](#).”

The municipality has no implied powers and is strictly bound by Title 31 rules.

What is a “Home Rule Municipality”?

“A home rule municipality in Colorado is a city or town that governs itself through a locally drafted charter rather than strict adherence to state statutes. Authorized by Article XX of the Colorado Constitution, this status grants communities broad autonomy to manage local affairs, such as zoning, public services, and taxation.”

The municipality is empowered to codify and enforce rules and ordinances that govern within its boundaries. State law supersedes local ordinances in areas deemed of "statewide concern". Local administration and collection of taxes.

Sources and Links

- ❖ Niwot Community Association (NCA):
<https://www.niwot.org>
- ❖ Niwot Incorporation Committee:
<http://www.niwot.town>

❖ State of Colorado

- Colorado Local Government Handbook

https://content.leg.colorado.gov/sites/default/files/local_gov_hb_web_0.pdf

- Colorado Revised Statutes

<https://codes.findlaw.com/co/title-31-government-municipal/>

❖ Colorado Municipal League

<https://www.cml.org/>

- Overview of Colorado Municipal Home Rule

https://www.cml.org/docs/default-source/uploadedfiles/issues/home-rule/home-rule-forum-presentation.pdf?sfvrsn=c4a07177_0

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