

## Blue Mountain Translator

### 2020 Oregon Revised Statutes

#### Source

<https://www.oregonlaws.org/ors/chapter/354>

#### **ORS 354.605: Definitions for ORS 354.605 to 354.715**

As used in ORS 354.605 to 354.715, unless the context requires otherwise:

- 1) "County board" means the governing body of the county in which a district is principally situated.
- 2) "District" means a translator district formed under ORS 354.605 to 354.715.
- 3) "District board" means the governing board of a district.
- 4) "Translator" means any UHF facility or Federal Communications Commission approved equipment owned by a district which serves the district by receiving, amplifying and transmitting signals broadcast by one or more television stations and public service signals which are allowed by Federal Communications Commission regulations. When the district transmits signals through VHF equipment, the district shall provide for an automatic encoder to prevent signal deviation. [1975 c.286 §1; 1979 c.108 §7; 1997 c.518 §1]

#### **ORS 354.615: Application of ORS 354.605 to 354.715**

Except as provided in ORS 354.690 (Liability for service charge) (5), nothing in ORS 354.605 (Definitions for ORS 354.605 to 354.715) to 354.715 (Dissolution, liquidation and transfer proceedings) shall apply to the construction or operation of community antenna systems or the redistribution of any signals, writings, images, sounds or intelligence of any nature by cable. [1975 c.286 §2(2); 1979 c.108 §8; 1985 c.445 §3]

#### **ORS 354.625: Creation of translator district; boundaries of district; annexation**

- 1) A translator district may be created as provided by ORS 354.605 to 354.715 for the construction, maintenance and operation of translator stations and the transmission and reception of television broadcast signals in areas so remote from regular transmission points that adequate television programming is not available to the public. The translator transmitting facilities shall conform to all FCC rules and regulations and shall be prohibited from interfering with all existing reception

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facilities, including but not limited to off-air antennas, CATV or MATV.

- 2) The boundaries of any district organized under ORS 354.605) to 354.715 shall be determined pursuant to the provisions of ORS 198.720 (Boundaries).
- 3) Notwithstanding subsection (2) of this section, if a city is entirely surrounded by a district and the city is either served by a cable television corporation or a cable television corporation has ceased operations in the city, the electors of the city may petition, or the district board may decide, to determine whether the city should be annexed into the district. A petition or decision by the board to annex the city into the district must satisfy the requirements of ORS 198.705 (Definitions for ORS 198.705 to 198.955) to 198.845 (Costs).
- 4) If the question of annexation is authorized to be submitted to electors under ORS 198.705 to 198.845, the question shall be submitted to electors of the city at an election called for that purpose under ORS 198.705 to 198.845.
- 5) Following the successful passage of an annexation measure described in subsection (4) of this section, a district need not thereafter again submit the question of annexation to electors of a city within which a cable television corporation again has begun or renewed operations in that city. [1975 c.286 §2(1), (3); 1979 c.108 §9; 2019 c.548 §1]

### **ORS 354.635: Contents of petition of formation**

- 1) In addition to matters named in ORS 198.750, the petition to form a translator district shall include:
  - a) A brief description of the proposed system including the type of construction, location, number of translators to be erected and the number of television channels to be provided.
  - b) The maximum service charge that may be charged by the district.
- 2) The petition shall be addressed to and filed with the county board of the principal county and the proceeding conducted as provided in ORS 198.705 to 198.845. [1975 c.286 §3; 1979 c.108 §10; 2005 c.22 §253]

### **ORS 354.645: When election on formation and first board to be held**

The formation and changes of organization of a district shall take place in the manner provided in ORS 198.705 to 198.955. [1975 c.286 §4; 1979 c.108 §11]

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### **ORS 354.650: Election laws applicable**

- 1) ORS chapter 255 governs the following:
  - a) The nomination and election of district board members.
  - b) The conduct of district elections.
- 2) The electors of a district may exercise the powers of the initiative and referendum regarding a district measure, in accordance with ORS 255.135 to 255.205. [1983 c.350 §216]

### **ORS 354.655: District board; membership; quorum; term; expenses**

- 1) The district board shall consist of five members, each of whom shall be an elector of the district or a person who pays service charges under ORS 354.690. The terms of office for the district board members first elected shall be determined by lot. The terms of two shall expire June 30 next following the first regular district election and the terms of three shall expire June 30 next following the second regular district election.
- 2) As soon as possible after the election and the taking of the oath of office by the members, an organizational meeting shall be held and officers selected. A majority of the members shall constitute a quorum for the transaction of business.
- 3) )Except as provided in subsection (1) of this section, the term of office of each district board member is four years.
- 4) The members of the district board shall serve without compensation, but shall be entitled to receive actual and necessary travel and other expenses incurred in the performance of their duties.
- 5) The district board shall fill any vacancy on the board in the manner provided in ORS 198.320. [1975 c.286 §5; 1979 c.108 §12; 1983 c.83 §78; 1983 c.350 §214; 2019 c.548 §2]

### **ORS 354.665: Board duties; rules**

A district board shall:

- 1) Manage and conduct the affairs of the district.
- 2) Establish and maintain funds and accounts for the district.
- 3) Establish reasonable rules for the administration of the district. [1975 c.286 §6]

### **ORS 354.675: Powers of district**

A translator district shall have full power to carry out the objectives of its formation and to that end may:

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- 1) Acquire by purchase, devise or gift or voluntary grant real and personal property or any interest therein including any rights of way or easements necessary or convenient for its purposes.
- 2) Sue and be sued in its own name.
- 3) Build, construct, improve, operate and maintain, subject to other applicable provisions of law, any translators necessary for the transmission of signals intended to be received by the general public.
- 4) Perform all acts necessary to insure an efficient and equitable distribution of television programming within the district subject to the availability of funds in the approved budget.
- 5) Make contracts of any lawful nature, employ personnel, including any technical or professional consultants necessary to carry out the provisions of ORS 354.605 to 354.715.
- 6) Apply for, accept and hold any licenses or permits required under federal or state law.
- 7) Transmit signals utilizing Advanced Television Systems Committee 1.0 and 3.0 standards.
- 8) Aggregate and distribute emergency alerts from federal, state and local authorities over transmitted signals or via alternative methods utilized to distribute signals.
- 9) Transmit low power television signals originating on district translators.
- 10) Distribute video-on-demand content via the transmission of signals and alternative methods.
- 11) Own and operate low power television channels, or lease and manage subchannels when authorized by television stations, and:
  - a) Distribute signals for the channels and subchannels via alternative methods; and
  - b) Finance operations described in this subsection through the sale of commercial matter. [1975 c.286 §7; 1979 c.108 §13; 2019 c.261 §1]

### **ORS 354.680: Revenue generation**

- 1) A district may, without elector approval but with permission from the broadcasting television station, generate revenue in the district's transmissions through the acknowledgment or solicitation of financial support considered necessary for the continued operation of the translator.
- 2) A district may, without elector approval but with the permission of the producer of video-on-demand content, generate revenue in the district's transmissions and alternative distribution methods through the acknowledgement or solicitation of financial support

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considered necessary for the continued operation of the translator. [1979 c.108 §3; 2005 c.22 §254; 2019 c.261 §2]

### **ORS 354.685: Methods of finance**

When authorized by its electors, a district board may finance the acquisition, purchase, lease, operation or maintenance of the district by any of the following methods:

- 1) Imposition of a service charge upon property within the district for use of the translator signals as provided in ORS 354.690 . A district created before May 7, 1979, shall be considered to have received elector authorization for imposition of the service charge.
- 2) Issuance of revenue bonds. The revenue bonds shall be issued as prescribed in ORS chapter 287A, but are not subject to the requirements of ORS 287A.150. The revenue bonds are payable both as to principal and interest from revenues only. The revenue bonds shall not be subject to the percentage limitation applicable to general obligation bonds and shall not be a lien on any of the taxable property within the limits of the district and shall be payable solely from such part of revenues of the district as remains after the payment of obligations having a priority and of all expenses of operation and maintenance of the district. All revenue bonds shall contain a provision that both the principal and interest are payable solely from the operating revenues of the district remaining after paying such obligations and expenses. [1975 c.286 §8; 1979 c.108 §14; 2007 c.783 §159]

### **ORS 354.690: Liability for service charge; notice; exemption; collection of delinquent charges**

- 1) When a district broadcasts television signals through a translator on a regular basis and any property within the district receives those signals, the owner of the property receiving the signal shall be liable to the district for the service charges.
- 2) When a district broadcasts television signals through a translator on a regular basis, if any person residing on or occupying property located in an area entirely surrounded by the district intentionally receives and uses those signals, the owner of that property is liable to the district for a service charge. The owner of the property shall be deemed to have contracted with the district for use of the translator signals.
- 3) The district shall determine which property is receiving the signal, the amount of any service charge and the method of

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payment by property owners. The district may classify property outside and within the district according to the uses of district signals. For property entirely surrounded by the district, the district shall prepare a verified report which shall disclose that the property has been physically inspected and that there are reasonable grounds to believe that the property is intentionally receiving and using the signal.

- 4) The district shall notify each owner of property it has determined is liable for a service charge at least 30 days prior to imposition of any service charge. The notice shall be by mail and shall include a written declaration which the owner may verify by signing and return to the district office stating that the owner is exempt from the service charge for one of the following reasons:
  - a) The property already receives adequate regional television signals from another source and is not using district signals;
  - b) the property is so situated as to preclude use of the signals; or
  - c) A television is not used on the property and there are no plans to do so.
- 5) (a) If property outside or within the district is owned, rented or leased by a community antenna television company which carries a district's television signals by cable to subscribers because of Federal Communications Commission requirements, that property shall be exempt from any district service charge.  
(b) Property outside or within the district that is owned by the State of Oregon is exempt from any district service charge.
- 6) A verified declaration returned to the district under subsection (4) of this section shall exempt the property in question and shall be valid for one year from its signing, unless the owner of the property informs the district of a change of circumstances which should subject the owner to a service charge.
- 7) By July 15 of any year, the district shall determine which service charges are delinquent and shall certify such charges, together with interest at the rate of two-thirds of one percent per month from the date due, to the assessor of the county in which the property of the person against whom delinquent service charges are assessed is located. The assessor shall enter the charges and interest thereon upon the next assessment and tax roll prepared after July 15. The charges and interest, when entered upon the assessment and tax roll, shall be a charge upon, and lien against, the real property of the person against whom

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they are assessed. After the service charges are certified and presented to the assessor, the payment for the service charges must be made to the tax collector pursuant to ORS 311.370. Such payment shall be made by the person responsible for the delinquent service charge or by the television translator district that has received payment for the delinquent service charge. The charges shall thereupon be collected and paid over in the same manner as other taxes are certified, assessed, collected and paid over, except that, when the tax collector receives the assessor's certificate pursuant to ORS 311.115, the tax collector shall deduct 10 percent of the amount of the delinquent service charges imposed in determining the television translator district's distribution percentage computed pursuant to ORS 311.390. The amount deducted shall be included in determining the distribution percentage of the county, in order to defray the costs incurred by the county in collecting the delinquent service charges.

- 8) The district board may enter into an agreement with the owner of property that is not within the district for the payment of service charges for use of the translator signals of the district when:
  - a) The electors of the district, at an election called for that purpose, have authorized the district board to make such agreements; and
  - b) The property is within a city that is surrounded by the district and is served by a community antenna system regulated by the Federal Communications Commission. [1979 c.108 §2; 1985 c.445 §1; 1991 c.459 §385a; 1995 c.726 §1; 1997 c.518 §2; 2019 c.548 §3]

### **ORS 354.705: Referral of increase in minimum tax rate to voters**

1. Subject to limitations of the Oregon Constitution, the district board may refer to the electors of the district any proposal to increase the maximum service charge as provided in ORS 354.635 to maintain the financial stability of the district in an emergency. The proposal shall state that an emergency exists and specify with distinctness the facts and reasons constituting the emergency.
2. (2) The district board may refer to the electors of the district proposed additional or alternate means of financing allowed under ORS 354.685. [1975 c.286 §10; 1979 c.108 §15; 1983 c.350 §217]

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**ORS 354.715: Dissolution, liquidation and transfer proceedings**

Dissolution, liquidation and transfer proceedings shall be conducted in the manner provided by ORS 198.920 (Dissolution procedure) to 198.955. [1975 c.286 §11]