

This is a loooooong post, but I'm desperate for some ideas. Anyone with the patience to read the whole thing has my most sincere appreciation.

OK, my husband and I have a rather frustrating situation. My husband owns an electronic drum set. When he first got it about 6 months ago he would play it through the stereo quite loud, but never at unreasonable times. A couple months ago we got a new neighbor who made his presence known by yelling profanities at my husband through the window of the room that the drum set is in. Don't get me wrong, we are pretty foul mouthed, but this guy didn't even try to be nice about it. He came and knocked on our door about a week later and "discussed" it with my husband, and the basic gist was that the new neighbor didn't ever want to hear my husband playing his drums or he was going to complain, maybe even calling the police.

So, from that point on my husband has played using headphones instead of the stereo. So the only thing heard is drum sticks hitting rubber pads.

The neighbor complained to the apartment manager, who told us that as long as we used the headphones or kept the volume down it shouldn't be a problem. So my husband continued to play, never with the stereo on, only with the headphones.

He called the police. The first time they showed up after my husband had stopped playing so they didn't hear it and only gave us a warning. The second time he called them the officers rolled their eyes and said we were fine, go ahead and keep playing the drums, "Rock on", and "if I were you I'd take up the bagpipes." The very next day he came pounding on our door, yelling and screaming, making threats, so WE called the police. We told them everything that had been going on, and it all became about the drums instead of about the threats. They told us that if he keeps complaining eventually they are going to get tired of coming out and will write us a ticket. They suggested we figure out what he drives so that my husband can play only when the neighbor isn't home. Turns out he doesn't drive, he takes cabs, and probably the bus.

The apartment manager offered him another apartment within the complex. He declined, and said he was looking for an apartment elsewhere. It sounded as though he was going to go ahead and break his lease just to get away from the evil drummer. So my husband kept playing, always with the headphones, and everything seemed fine for about a month. No more visits from the police, no more threats from the neighbor, we were just waiting for him to find another apartment.

Then this past Sunday came, and the police showed up again. This time they gave us the distinct impression that it didn't matter that other officers had said it was OK, or that the manager said it was OK, and that they would not use their own discretion in deciding whether or not to write us a ticket. They said that if he pushed the issue they WOULD write us a ticket. So it seems the neighbor has all of the power.

Understand that our phone ringing, our cats fighting, our vacuum cleaner, our washing machine, all of those things are louder than the drum set. He apparently has no problem with any of those things. But now we are in a position where if my husband keeps playing we risk getting a MISDEMEANOR citation, and if he stops playing the drums then the neighbor has no reason to keep looking for another apartment. We've offered to move to another apartment in the complex, but there won't be any 2 bedroom apartments available until the neighbors lease is up anyway, which isn't until next AUGUST!

Does anyone have any ideas? Our local laws have no provisions for time of day when it comes to noise, only if it bothers someone of "reasonable sensibilities" then it's considered loud noise and is punishable by a misdemeanor. Of course we don't think this guy's sensibilities are reasonable, but that's a whole other discussion. I would consider sitting down and talking to him if he didn't scare the daylight out of me. Considering he has made quite strong threats I'm pretty sure he wouldn't take to well to a calm sit-down conversation and compromise on the issue.

We've lived in apartments for 8 years together and NEVER ONCE had a noise complaint against us until this guy moved in next door, including the 4-5 months that my husband had the drums before he moved in. Is there anything we can do, short of packing up the drums until he moves out? This guy is being completely unreasonable, but if we continue with the drums then we'd have to fight it in court and we could lose. Any ideas are welcome.

Thanks for reading.
Judi